

CALIFORNIA COASTAL COMMISSION

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DATE: FEBRUARY 7, 2024

TO: Coastal Commission and Interested Persons

FROM: Kate Huckelbridge, Executive Director
Sarah Christie, Legislative Director
Sean Drake, Legislative Manager

SUBJECT: LEGISLATIVE REPORT FOR FEBRUARY 2024

CONTENTS: This report provides summaries and status of bills affecting the Coastal Commission and California's Coastal Program, and coast-related legislation identified by staff.

Note: Information contained in this report is accurate as of February 5, 2024. Bills added since the previous report are marked by an asterisk (*). Substantive amendments are summarized in *italics*. Bill text, votes, analyses, and the current status of any bill may be viewed on the California Legislature's Homepage at <http://leginfo.legislature.ca.gov/>. This report can also be accessed through the Commission's homepage at www.coastal.ca.gov.

2024 Legislative Calendar

Jan 1	Statutes take effect.
Jan 3	Legislature reconvenes.
Jan 10	Budget Bill must be submitted by Governor.
Jan 12	Last day for policy committees to hear and report to fiscal committees fiscal bills introduced in that house in 2023.
Jan 19	Last day for committees to hear and report to the Floor bills introduced in that house in 2023. Last day to submit bill requests to Legislative Counsel.
Jan 31	Last day for each house to pass bills introduced in that house in 2023.
Feb 16	Last day for bills to be introduced.
Mar 21	Spring Recess begins upon adjournment.
Apr 1	Legislature reconvenes from Spring Recess.
Apr 26	Last day for policy committees to hear and report fiscal bills introduced in that house in 2024.

May 3	Last day for policy committees to hear and report non-fiscal bills introduced in that house in 2024.
May 10	Last day for policy committees to meet prior to May 28.
May 17	Last day for fiscal committees to hear and report to the Floor bills introduced in that house in 2024.
May 24	Last day for each house to pass bills introduced in that house in 2024.
May 28	Committee meetings may resume.
June 15	Budget Bill must be passed by midnight.
June 27	Last day for legislative measures to qualify for the November 5 General Election ballot.
July 3	Last day for policy committees to meet and report bills. Summer Recess begins upon adjournment.
Aug 5	Legislature reconvenes from Summer Recess.
Aug 16	Last day for fiscal committees to meet and report bills.
Aug 19-31	Floor session only.
Aug 23	Last day to amend bills on the Floor.
Aug 31	Last day for each house to pass bills. Recess begins upon adjournment.
Sept 30	Last day for Governor to sign or veto bills.
Nov 5	Statewide General Election
Dec 2	Legislature reconvenes to swear in new members.

PRIORITY LEGISLATION

2024 INTRODUCED BILLS

[SB 908 \(Cortese\) Public records: legislative records: electronic messages](#)

This bill would prohibit an elected or appointed official or an employee of a public agency from creating or sending a public record using a non-official electronic messaging system unless the official or employee sends a copy of the public record to an official electronic messaging system.

Introduced 01/08/24
 Status Senate Rules Committee

[SB 951 \(Wiener\): California Coastal Act of 1976: coastal zone: City and County of San Francisco](#)

This bill would amend the Coastal Act to relocate the coastal zone boundary in San Francisco seaward to along the Great Highway and Sloat Avenue, and to narrow the types of coastal development permits that can be appealed to the Coastal Commission statewide. The bill would also amend Housing Element Law to require any local government in the coastal zone, as part of updating its housing element, to complete all necessary local coastal program amendments by the deadline for rezones.

Introduced 01/18/24
 Status Senate Rules Committee
Position Recommend Oppose Unless Amended (analysis attached)

[AB 1881 \(Davies\) California Coastal Commission: membership](#)

This bill would amend the Coastal Act to allow the Governor's appointment to the Commission who is currently required to reside in and work with environmental justice communities to, alternatively, have a professional background in geology, environmental engineering, carpentry, or building and construction trades.

Introduced 01/22/24
Status Assembly Rules Committee

[AB 1937 \(Berman\) State parks: Pedro Point](#)

This bill states the intent of the Legislature to enact subsequent legislation that would authorize the Department of Transportation to transfer surplus property in San Mateo County for state park purposes and to facilitate access to the California Coastal Trail.

Introduced 01/29/24
Status Assembly Rules Committee

[AB 1964 \(Fong\) State agencies: budgeting](#)

The bill would require the Department of Finance, on January 1, 2027, and annually thereafter, to require one-fifth of state agencies to develop their budgets using a zero-based budgeting method described by the bill. The one-fifth of agencies to which this requirement would apply would revolve annually on a five-year cycle. In developing its zero-based budget, the bill would require each state agency to work with Finance to submit a report to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Joint Legislative Budget Committee.

Introduced 01/29/24
Status Assembly Rules Committee

[AB 1992 \(Boerner\) Coastal resources: coastal development permits: blue carbon projects](#)

This bill would add Section 30237 to the Coastal Act, explicitly authorizing the Coastal Commission to authorize blue carbon demonstration projects. A blue carbon project is defined as the creation or restoration of coastal wetland, intertidal, or marine habitats or ecosystems, including, but not limited to, seagrasses and wetlands, that capture carbon. State grant programs may be used to contribute toward the project.

Introduced 01/30/24
Status Assembly Rules Committee

[AB 2025 \(Bennett\) Coastal resources: certification of local coastal programs](#)

This bill is a spot bill that would make non-substantive changes to Coastal Act Section 30522 regarding certification of local coastal programs

Introduced 02/01/24
Status Assembly Desk

TWO-YEAR BILLS

AB 305 (Villapudua) California Flood Protection Bond Act of 2024

This bill would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters in the November 2024 general election, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects. *Amendments of 04/25/23 specify that projects funded by the bond shall provide workforce education and training, contractor, and job opportunities for vulnerable populations or socially disadvantaged groups.*

Introduced 01/26/23
Last Amended 04/25/23
Status Senate Natural Resources and Water Committee

SB 584 (Limón) Laborforce housing: Short-Term Rental Tax Law

This bill would impose a 15% state tax on the occupancy of a short-term rental. The bill would define “short-term rental” for this purpose to mean the occupancy of a home, house, a room in a home or house, or other lodging that is not a hotel, inn, motel, or bed and breakfast, in this state for a period of 30 days or less. The bill would direct the collected tax revenues to the Laborforce Housing Fund, which the bill would create for the construction of permanently deed-restricted housing owned and managed by public entities or mission-driven non-profit organizations. The fund would be administered by the Department of Housing and Community Development.

Introduced 01/15/23
Last Amended 05/18/23
Status Assembly Housing and Community Development Committee

SB 638 (Eggman) Climate Resiliency and Flood Protection Bond Act of 2024

This bill would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters in the November 5, 2024 general election, would authorize the issuance of bonds in the amount of \$4,500,000,000, for flood protection and climate resiliency projects. *Amendments of 03/20/23 increase the amount of the bond to \$6,000,000,000. Amendments of 06/28/23 make changes to the findings, and add definitions and administrative processes.*

Introduced 02/16/23
Last Amended 06/28/23
Status Assembly Water, Parks, and Wildlife Committee

SB 689 (Blakespear) Local coastal program: bicycle lane: amendment

As amended, this bill would add Section 30610.91 to the Coastal Act, which would specify that a traffic study is not required for a coastal development permit or a local coastal program amendment proposed by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane. If a local coastal program amendment is required to convert a developed portion of an existing road into a bicycle lane, the bill would require the amendment to be processed as de minimis if the Executive Director determines that the project would provide public access benefits without significantly reducing existing public access opportunities.

Introduced 01/13/23
Last Amended 01/03/24
Status Assembly Rules Committee
Position **Recommend Support (analysis attached)**

SB 867 (Allen) Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2024

This bill would enact the above-referenced bond act which, if approved by the voters, would authorize the issuance of \$15.5 billion in general obligation bonds to finance projects for drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, parks, and outdoor access programs. The bill would require that coastal resilience projects be consistent with the sea level rise policies and guidelines established by the Coastal Commission and partner agencies. Amendments of 06/22/23 specify that the measure would be on the March 5, 2024 Primary Ballot; add a definition of “Socially Disadvantaged Group”; include a provision for projects using bond funds to workforce education and job training for disadvantaged groups as feasible; and provides \$100,000,000 for brackish and seawater desalination projects.

Introduced 02/17/23
Last Amended 06/22/23
Status Assembly Natural Resources Committee

AB 1284 (Ramos) Tribal ancestral lands and waters: co-governance and co-management agreements

As amended, this bill would encourage the Secretary of Natural Resource or the Secretary’s delegate to enter into co-governance and co-management agreements with federally recognized tribes for the purpose of shared responsibility, decision-making, and partnership in resource management and conservation within a tribe’s ancestral lands and waters.

Introduced 02/16/23
Last Amended 01/22/24
Status Senate Rules Committee

AB 1533 (Utilities and Energy Committee) Electricity

Relevant to the Coastal Commission, this bill would specify that energy generated by Diablo Canyon after August 26, 2025 could not be counted toward the state’s “zero carbon” energy goals; extend the work of the Diablo Canyon seismic peer review panel for an additional 5 years; and add additional reporting requirements related to safety, system reliability, and annual electricity demand forecasts. *Amendments of 05/01/23 add an urgency clause to the measure.*

Introduced 02/17/23
Last Amended 05/25/23
Status Senate Energy, Utilities, and Commerce Committee

AB 1567 (Garcia) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024

This bill would enact the above-referenced bond act which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,105,000,000 for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs on the March 2024 statewide ballot. Among other provisions, the bond would authorize the Legislature to appropriate \$30 million to the Coastal Commission for grants to local governments for local adaptation planning and updating local coastal programs. *Amendments of 05/26/23 increase the amount of the measure to \$15,995,000,000, and add provisions related to clean energy.*

Introduced 02/17/23
Last Amended 05/26/23
Status Senate Natural Resources and Water Committee

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BILL ANALYSIS
SB 689 (Blakespear)
As Amended 1/3/24

SUMMARY

Senate Bill 689 would add Section 30610.91 to the Coastal Act, which would streamline the process for converting portions of existing roadways into bicycle lanes. The bill would specify that if a local coastal program (LCP) amendment is required to convert a developed portion of an existing road into a bicycle lane, the LCP amendment will be processed as de minimis if the Executive Director determines that the project would provide public access benefits without significantly reducing existing public access opportunities. The bill would also specify that a traffic study is not required for a coastal development permit (CDP) or an LCP amendment proposed by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane.

RECOMMENDED MOTION

I move that the Commission **SUPPORT** SB 689, and I recommend a **YES** vote.

PURPOSE OF THE BILL

The purpose of the bill is to streamline the creation of dedicated bicycle lanes within existing roadways in the coastal zone, in order to encourage and promote non-automobile transportation, decrease greenhouse gas emissions, and increase the safety of bicyclists.

EXISTING LAW

Coastal Act Section 30001.5(c) declares that it is a basic goal of the state to maximize public access to and along the coast and to maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

Coastal Act Section 30210 requires that “maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.”

Coastal Act Section 30252 states:

“The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public

transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.”

Coastal Act Section 30253(d) requires new development in the coastal zone to minimize energy consumption and vehicle miles traveled.

PROGRAM BACKGROUND

The Coastal Commission has a long history of advancing the above policies, and non-automobile transportation more broadly, through its planning and regulatory functions. In 2023, the Commission adopted interpretive guidance that discusses in detail how these policies operate in concert to promote sustainable coastal development, including bicycle and pedestrian transportation facilities.¹ The Commission has also been designated by the California Legislature as one of the state agencies responsible for promoting development of the California Coastal Trail, a braided network of multimodal transportation rights-of-way, including for bicyclists and pedestrians, spanning the California coastline from the Oregon border to Mexico.²

The Commission also partners closely with Caltrans and local governments to promote bicycle and pedestrian transportation planning throughout the coastal zone. In instances where an LCP amendment is needed for a proposed bicycle/pedestrian transportation project to be consistent with the LCP, the Commission coordinates with local governments to process these amendments, thereby minimizing the likelihood of bicycle or pedestrian transportation projects being appealed to the Commission.

ANALYSIS

SB 689 seeks to further promote bicycle transportation in the coastal zone by streamlining the Coastal Commission’s review of projects that create a dedicated bicycle lane within the developed portion of an existing road. These are projects that, by definition, will not impact natural resources because they would occur entirely on portions of the right-of-way that are already developed as vehicle lanes. Thus, the primary coastal resource consideration relevant to these projects is public coastal access.

This bill would establish that if creating a bicycle lane within the developed portion of an existing right-of-way requires an LCP amendment, the amendment shall be processed as a de minimis amendment if the Coastal Commission’s Executive Director determines that the project, on balance, would provide public access benefits without significantly reducing existing public access opportunities. The de minimis LCP amendment process, codified in Section 30514(d), is an existing process for the Coastal Commission to approve LCP amendments that, at the discretion of the Executive Director, would not

¹ See [Sustainability Principles: A Framework for Reducing Greenhouse Gas Emissions in the Coastal Zone](#), adopted by the Coastal Commission in August 2023.

² [SB 908](#) (Ch. 446, Stats. 2001).

have an impact on coastal resources. This streamlined process is currently available to local governments for LCP amendments that avoid impacts to coastal resources, and has been used for amendments related to bicycle lanes.³

SB 689 would expand the utility of the de minimis approval process by providing the Commission with additional flexibility in finding that LCP amendments for bicycle lanes qualify as de minimis. Re-stripping roadways to provide bicycle lanes can impact the existing number and configuration of vehicular travel lanes or public parking spaces, while providing enhanced circulation for cyclists. Through careful design approaches, local governments can add bicycle lanes to roadways to provide a meaningful public access benefit without significantly reducing other existing public access functions of the roadway. This bill allows LCP amendments for bicycle lane projects that successfully balance public access benefits and impacts to be found acceptable and streamlined via the de minimis approval process, and incentivizes local governments to coordinate with the Commission in developing bicycle lane projects that meet this policy objective.

Second, the bill would establish that when a local government applies to the Commission for a CDP or an LCP amendment to convert a vehicle travel into a bicycle lane, the local government is not required to provide a traffic study as part of its application submittal to the Commission. Traditionally, the role of traffic studies has been to evaluate the potential impacts of a proposed development on traffic circulation within the surrounding area. This evaluation has been performed primarily as part of complying with the California Environmental Quality Act (CEQA), though the Commission has also consistently utilized traffic studies as part of reviewing a project's potential impacts on public access.

However, traffic circulation is an imperfect indicator of the public's ability to access the coast. Public access under the Coastal Act is a site-specific product of multiple factors. It often does include consideration of the relative ease with which motorists, public transportation riders, bicyclists, and pedestrians can circulate through coastal transportation networks to reach the coastline. Yet evaluating public access at a location also includes considerations beyond circulation, such as the number and breadth of points where the public can access the coast, the diversity and quality of experiences made available to the public at those locations, and whether those experiences are equitably accessible to all segments of the public. This holistic understanding of public access cannot be captured by a traffic study.

Not all bicycle lane projects in the coastal zone currently require a CDP or an LCP amendment. Depending on the circumstances, local governments have implemented such projects administratively with no Coastal Commission involvement. However, there are some instances where, due to the specific language of a local government's LCP policies or the specific features of a project, a CDP or an LCP amendment is required. As described above, this bill would streamline the approval of those particular projects. It also encourages the Coastal Commission and local governments to work together to promote bicycle lane projects that, on balance, promote public access. Relieving local

³ See, e.g., [City of Imperial Beach De Minimis LCP-6-IMB-23-0016-1](#).

governments from having to prepare a traffic study for bicycle lane projects is in line with this coordinated approach, as it encourages local governments to consider public access more holistically and in partnership with the Commission when designing such projects. It also aligns the Coastal Act with multiple other recent changes in state law that eliminated the need for traffic studies for various types of transportation projects in the context of CEQA.⁴ Taken together, these benefits streamline the planning and striping of bicycle lanes in the manner that best promotes public access, and will also advance Coastal Act policies regarding public recreation, energy consumption, vehicle miles traveled, and climate change.

CONCLUSION

The Coastal Act broadly supports the construction of dedicated bicycle lanes as a form of public access to the coast, and as a means of promoting public recreation, minimizing vehicle miles traveled, and mitigating the impacts of climate change. The Coastal Commission has long supported planning efforts and projects to promote non-automobile transportation infrastructure such as bicycle lanes throughout the coastal zone, and has leveraged existing Coastal Act processes, including the de minimis LCP amendment process, to streamline approval of such projects. SB 689 would further promote the striping of bicycle lanes in developed roadways in the coastal zone by providing the Commission with greater flexibility to approve LCP amendments associated with bicycle lanes via the de minimis approval process, and by relieving local governments from having to submit a traffic study to the Commission for such projects. Together, these amendments to the Coastal Act would center the principle of public coastal access in the development of bicycle lane projects in the coastal zone, and would encourage coordination between local governments and the Commission on bicycle lane projects that promote public access in the manner best suited for communities and the public.

SUPPORT

City of San Diego (source)
California Bicycle Coalition
Circulate San Diego
City of Santa Monica
San Francisco Bay Area Planning &
Urban Research Association
Streets for All

OPPOSITON

Livable California

RECOMMENDED POSITION

Staff recommends that the Commission **SUPPORT** SB 689.

⁴ See, e.g., [AB 417](#) (Ch. 613, Stats. 2013), [SB 743](#) (Ch. 386, Stats. 2013), [SB 288](#) (Ch. 200, Stats. 2020), [SB 922](#) (Ch. 987, Stats. 2022)

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BILL ANALYSIS

SB 951 (Wiener)

As Introduced 1/18/24

SUMMARY

Senate Bill 951 would make three changes to implementation of the Coastal Act:

- Section 1 of the bill would amend state Housing Element Law to require any local government in the coastal zone, as part of updating its Housing Element, to complete all necessary local coastal program amendments by the applicable deadline for rezones.
- Section 2 of the bill would amend the Coastal Act to relocate the coastal zone boundary in San Francisco seaward to along the Great Highway and Sloat Avenue.
- Section 3 of the bill would amend the Coastal Act to narrow the types of coastal development permits approved by a coastal county can be appealed to the Coastal Commission.

RECOMMENDED MOTION

I move that the Commission **OPPOSE SB 951 UNLESS AMENDED** to remove Sections 2 and 3 of the bill, and I recommend a **YES** vote.

PURPOSE OF THE BILL

The purpose of the bill is to accelerate the construction of new development projects in the coastal zone. Section 1 specifically seeks to ensure that the Housing Element update process also includes relevant local coastal program amendments. Sections 2 and 3 diminish the application of the Coastal Act to new development in general by reducing the geographic footprint of the coastal zone in San Francisco, and by limiting the appealability of coastal development permits approved by coastal counties statewide.

EXISTING LAW

1. Housing Element Updates

Since 1969, California has required every local government to plan to meet the projected housing needs of its jurisdiction by developing and adopting a housing element as part of its general plan.¹ A housing element provides an analysis of a community's current and future housing needs for all income levels, and strategies

¹ Gov. Code §§ 65580 et seq.

to meet those needs. All local governments must adopt and periodically update a housing element that designates an adequate number of sites which can be developed to meet projected housing needs, including the jurisdiction's share of the Regional Housing Needs Allocation (RHNA), which is determined by the state Department of Housing and Community Development (HCD) and regional councils of governments. HCD is tasked with the regulatory responsibility of reviewing and approving local housing elements.

Housing Element Law also recognizes that in order to meet housing needs, local governments must adopt land use plans, implementing regulations, and zoning maps that provide opportunities for, and do not unduly constrain, the development of new housing. When a local government's inventory of sites suitable and available for residential development is not adequate to accommodate a jurisdiction's RHNA, local governments must generally complete rezones of additional sites to accommodate the remaining RHNA within approximately three years of the jurisdiction's adoption of its housing element.² However, if a jurisdiction fails to adopt a compliant housing element within 120 days of the statutory deadline for adoption, rezoning of those sites must be completed no later than one year from that statutory deadline.³ Local governments that fail to complete the necessary rezones by the deadline face a growing host of legal repercussions, including loss of discretionary review or permitting jurisdiction of certain housing projects. Local governments whose housing elements are out of compliance with their RHNA numbers are also ineligible for many state funding programs.

2. Coastal Zone Boundary

As defined in Coastal Act Section 30103, California's "coastal zone" is a geographic region that establishes the area regulated under the Coastal Act. It encompasses both land and water areas along the length of the California coastline (excluding San Francisco Bay) from the Oregon border to Mexico. The coastal zone covers 1.2% of the land area of California. The width of the coastal zone varies depending on coastal topography and development patterns, but in general, it extends between 100 and 1,000 yards inland from the shoreline in developed urban areas. In undeveloped, rural areas with significant estuarine, habitat, and recreational resources, the coastal zone extends inland to the first major ridgeline or five miles from the tideline, whichever is less. The coastal zone also does not include any shoreline or land area inside of San Francisco Bay.

When the Legislature passed the Coastal Act in 1976, it approved maps that delineated the coastal zone boundary pursuant to its definition in Section 30103. In 1979 and 1980, the Legislature added sections to the Coastal Act that made refinements to the coastal zone boundary in several locations on the coast but kept the overall approach of

² Gov. Code § 65583(c)(1)(A). This deadline can be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75% of the units required for low- and very low income households and if the local government makes certain findings. (Gov. Code § 65583, subd. (f).)

³ Gov. Code §§ 65583(c)(1)(A).

Section 30103 and the original maps intact.⁴ In the more than 40 years since then, the coastal zone boundary has not been significantly adjusted.⁵

3. Coastal Development Permit Appeals

Under the Coastal Act, all new development in the coastal zone must receive a coastal development permit (CDP). By default, the Coastal Commission is responsible for issuing CDPs for new development that is consistent with the policies of the Coastal Act. However, the Coastal Act requires every local government in the coastal zone to develop and submit to the Coastal Commission a local coastal program (LCP). An LCP contains land use policies and implementing zoning maps and ordinances to guide development consistent with the policies of the Coastal Act. Once a local government's LCP is submitted and certified by the Coastal Commission, the local government assumes responsibility for permitting most new development within its coastal zone pursuant to the policies of its LCP.

In local jurisdictions with a certified LCP, the Commission's primary responsibilities are to assist local governments with periodic amendments to their LCPs, and to consider appeals of a subset of local actions on CDPs. Coastal Act Section 30603(a) limits the local CDP actions that can be appealed to the Coastal Commission to the following five categories:

- (1) Developments approved by the local government between the sea and the first public road, or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.
- (2) Developments approved by the local government that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the edge of a coastal bluff.
- (3) Developments approved by the local government that are located in a sensitive coastal resource area.
- (4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map.
- (5) Any major public works project or a major energy facility.

The applicant for the CDP or any "aggrieved person" may submit an appeal to the Commission provided they have exhausted all local appeals. An "aggrieved person" generally means a person who participated in the local CDP application and decision-making process (e.g., submitted comments, testified at hearings, etc.), whether directly or through a representative, or who for good cause was unable to do so (e.g., a person

⁴ See Coastal Act §§ 30150 et seq.

⁵ As an example of an "insignificant" adjustment of the coastal zone boundary, in 1988 the Legislature added Coastal Act Section 30156.1, which added 11 acres of land in the City of Pacific to the coastal zone. (See Ch. 1381, Stats. 1988.)

who did not participate because they were not properly noticed). In addition, any two Coastal Commissioners may appeal a local CDP action.

PROGRAM BACKGROUND

1. Housing Element Updates

Under the Coastal Act, an LCP includes the jurisdiction's land use plans, zoning ordinances, zoning district maps, and other implementing actions.⁶ As part of a local government's zoning ordinances and zoning district maps, housing element rezones will generally need to be certified by the Coastal Commission to be effective in the coastal zone. The Coastal Act does not require that LCP amendments be certified by a particular deadline. However, given that Housing Element Law generally requires local jurisdictions to complete all necessary rezones within a specified time period after adopting an updated Housing Element, the Coastal Commission has strongly encouraged local governments to develop and submit to the Commission for certification any LCP amendments associated with a Housing Element update prior to the statutory deadline for completion.

To assist local governments in this work, in recent years the Coastal Commission and HCD have begun to coordinate proactively with local governments early in their process of updating their Housing Element. This coordination focuses on developing Housing Element updates and any needed LCP amendments in parallel with one another. This coordinated approach to meeting the requirements of both Housing Element Law and the Coastal Act helps coastal local governments keep their local plans aligned with one another, and helps ensure that resulting housing projects are consistent with the policies of the local coastal program and, accordingly, are permitted efficiently. More broadly, the Commission's and HCD's efforts to coordinate Housing Element updates and LCP amendments also ensures that new housing in coastal jurisdictions serves communities and the public for the long-term by accounting for Coastal Act policies minimizing vulnerability to sea level rise, promoting public coastal access, etc. The Commission and HCD are currently developing written guidance to further assist local governments in this coordinated approach to planning under Housing Element Law and the Coastal Act.

2. Coastal Zone Boundary

The percentage of each of California's 15 coastal counties that is in the coastal zone varies depending on the size of the county and the development patterns along its coast (which influence the width of the coastal zone boundary). The City and County of San Francisco has one of the smallest percentages of its land area within the coastal zone—approximately 6%. The San Francisco coastal zone extends along the Pacific Ocean shoreline from near Lands End in the north to the Fort Funston cliff area in the south (see Attachment A). In the developed neighborhoods of western San Francisco, the extent of the coastal zone is narrow and ranges from one to four city blocks inland of

⁶ Coastal Act § 30108.6.

Ocean Beach. In the public recreational areas within the City and County, including Golden Gate Park, the San Francisco Zoo, and Lake Merced, the coastal zone extends slightly farther inland. In all, San Francisco's coastal zone is approximately 2,000 acres or three square miles, the smallest of any coastal county by far.

3. Coastal Development Permit Appeals

Currently, local governments with certified LCPs are responsible for issuing CDPs in 88% of the geographic land area of the coastal zone, or approximately 1% of California. As described above, in these certified areas, the Coastal Commission serves as an appellate body for certain CDPs which are appealable to the Commission.

One of the five categories of local CDP actions that may be appealed to the Commission is a project approved by a county that is not the principally permitted use (PPU) on the parcel. This category of appeal does not apply to city approvals. For each parcel within a jurisdiction's coastal zone, LCPs traditionally designate one principally permitted use. The LCP may also establish one or more other allowable or conditionally permitted uses on a parcel. For example, agricultural activities are a standard PPU for parcels zoned for Agriculture, but other uses such as farmstands, wine tasting rooms, air strips, golf courses, etc., may also be allowed under certain circumstances. Projects approved as a principally permitted use are not appealable to the Commission, but other allowable uses may be appealed. This allows the Commission to retain some oversight to ensure that other permitted uses don't obviate the primary uses.

The proportion of local CDP actions that are appealed to the Coastal Commission is relatively small—approximately 5% of all appealable local actions—and appeals based solely on principally permitted use are particularly rare.⁷ For example, in 2023, local jurisdictions in the coastal zone issued 1,261 CDPs. Of those 1,261 actions, 48 of them, or 6%, were appealed to the Commission. Four of those appeals were subsequently withdrawn. Of the 44 appeals the Commission acted on in 2023, 66% or 29 of them raised No Substantial Issue and the appeal was rejected, leaving the local approval in place. The remaining 15 were found to raise a Substantial Issue, but only 2 of those were denied by the Commission. The rest were either approved or continued.

ANALYSIS

1. Housing Element Updates

SB 951 would amend state Housing Element Law to require any local government in the coastal zone, as part of these rezones, to also complete all necessary LCP

⁷ This section of the bill applies statewide. However, given that Section 2 of the bill pertains specifically to San Francisco, it should be noted that instances of CDP actions by the City and County of San Francisco being approved to the Commission are quite rare. In the Coastal Commission's nearly 50-year history, only two permits out of San Francisco have been appealed to the Coastal Commission. The Commission did not take jurisdiction over one permit, and it approved the other permit with no conditions. See appeal numbers A-1-SNF-88-095 (Taldan Investment Co., 1988) and A-2-SNF-12-020 (San Francisco Recreation and Park Department, 2012).

amendments by the applicable deadline. This would be consistent with the Commission's previous recommendation to local governments to complete any LCP amendments associated with a housing element update by the statutory deadline for rezones. It would also reinforce recent efforts by the Coastal Commission and HCD to partner proactively with local governments in the coastal zone to develop their housing element updates and LCP amendments in tandem with one another. By adding a clear statutory deadline for housing element-related LCP amendments to be completed, this bill provides additional motivation to initiate this coordination early and to prioritize its success.

Aligning the planning processes of Housing Element Law and the Coastal Act also helps promote the effective co-application of both statutes. Coordinating housing element updates and LCP amendments, while a significant staff time investment, makes for efficient planning in the long term and minimizes the potential for legal challenges and delays by avoiding inconsistencies between a jurisdiction's housing element and its LCP. It also helps local governments avoid the legal consequences of non-compliance with either statute. More broadly, this aligned approach results in coastal land use plans that foster abundant housing that is safe from sea level rise, promotes inclusive coastal communities, and advances public coastal access. This positive outcome advances the objectives of both Housing Element Law and the Coastal Act. While the Coastal Commission would require additional staff resources to comply with this section of the bill, the underlying policy is sound. Assuming adequate resources for the Commission to handle the increased number of LCP amendments and ongoing cycle of updates, the Commission is supportive of this approach.

2. Coastal Zone Boundary

SB 951 would adjust the coastal zone boundary in San Francisco seaward to follow the Great Highway and Sloat Avenue. This would exclude from the coastal zone all residential areas in the western part of the city as well as western Golden Gate Park (see Attachment A). The only portions of San Francisco that would remain in the coastal zone between Sutro Heights and the San Francisco Zoo would be the sandy beach (Ocean Beach).

This would dramatically reduce the Coastal Commission's role in planning for sea level rise adaptation in that area of San Francisco. Some critical infrastructure that is imminently vulnerable to sea level rise, such as the Oceanside Water Pollution Control Plant located south of the zoo, would remain in the coastal zone. However, nearly all of the infrastructure on and under the Great Highway as well as the residential and commercial development most vulnerable to coastal flooding would be excluded from Coastal Act consideration. As sea levels rise, with little opportunity to implement resiliency strategies, Ocean Beach will likely shrink against the fixed barrier of the Great Highway and ultimately disappear, essentially eliminating the coastal zone completely.

The author and sponsor have asserted that Coastal Act implementation in San Francisco is burdensome and discourages development in the western part of the city. However, there is no evidence of this. The Sunset district is a fully developed area of

the city that was built out prior to the passage of the Coastal Act. This stable, largely residential neighborhood has not been a target for redevelopment. If it had been, the tiny sliver of coastal zone in this area would not be a deterrent. As detailed above, San Francisco already has the smallest coastal zone by acreage of any coastal county by far, and one of the smaller coastal zones by percentage—6%. Of the approximately 70 CDPs issued by the City and County since 1986 (approximately two per year), only two appeals have been filed—neither of which resulted in any changes to the approved projects. Taken together, the exceptionally small footprint of San Francisco’s coastal zone, the low number of CDPs, and the historical rarity of CDP appeals run directly counter to the claim that the Coastal Act is stifling development in San Francisco.

Proponents of the bill also assert that the Coastal Act should not apply in developed portions of San Francisco because projects in these areas have no impact on coastal resources. The width of the coastal zone does vary depending on coastal topography and development patterns, and this variability is intended to reflect the potential for development to impact coastal resources. However, coastal resources are not limited to natural resources; they also include critical aspects of the developed coastal environment such as public coastal access, lower-cost visitor serving facilities, affordable overnight accommodations, housing, and public recreation opportunities. Thus, land use decisions within developed areas can and do impact coastal resources, albeit in different ways than in less developed areas. Decisions in developed areas near the shoreline can have particularly significant impacts. The Legislature understood this when it codified the Coastal Act in 1976, which is why it intentionally included already developed areas within the coastal zone, and why it included land use policies pertaining to the built environment in the Coastal Act.

Additionally, it should be noted that the bill contains findings that refer to “barriers to housing approvals and construction” identified in HCD’s “San Francisco Housing Policy and Practice Review.” Published in October 2023, the report outlines changes to local permitting processes that the City and County could make to facilitate housing more approvals. The bill’s findings reference this report to support the conclusion that “[e]xcluding land from the coastal zone in the City and County of San Francisco will better enable the region to meet housing goals.” However, HCD’s report makes no mention of the coastal zone, the Coastal Commission, coastal development permits, appeals, or San Francisco’s Local Coastal Program. Thus, the primary justification for the bill has no basis in fact.

Finally, the proposed legislation would set a dangerous precedent by re-drawing the coastal zone boundary for no other reason than to avoid Coastal Act compliance. The coastal zone boundary has been a settled, stable line for more than 40 years. This is due in no small part to the collective recognition that an additional level of review is warranted to protect California’s signature geography, because coastal protection is a matter of greater than local importance. Indeed, the Legislative findings in Section 30001 open with:

“The Legislature hereby finds and declares that the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.”

SB 951 would signal that future legislation similarly excluding other developed portions of California’s coast from the coastal zone would be acceptable, and that any developed portions of the coast should similarly be excluded from the Act. This logic contravenes the Legislature’s intention in enacting the Coastal Act in 1976, and runs counter to the fundamental tenets of coastal management.

3. Coastal Development Permit Appeals

Section 3 of SB 951 would have statewide implications by shrinking the universe of CDPs that can be appealed to the Commission. Section 30603(a)(4) of the Coastal Act allows the appeal of any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map. This approach is likely to have unintended negative consequences, as it does not account for the breadth of land uses identified as permitted uses in County LCPs. For example, in Monterey County’s LCP, golf courses are a permitted use in agricultural areas, while the Santa Barbara County’s LCP identifies airstrips, mortuaries, mines, golf courses, country clubs, helipads, polo fields, sanitariums, seawalls, rodeos, and still more widely varying uses as conditionally permitted uses anywhere within its coastal zone.⁸ In these and other counties, to say that development is a “permitted use” says nothing about whether the development is actually suitable for a certain site, because the use is “permitted” everywhere. Limiting appeals to only development that is not a permitted use would effectively eliminate this entire category of permit appeals. The wide latitude allowed for local discretion in these cases is precisely what argues for the potential for appeal to the Commission.

In the case of Santa Barbara County, for example, the bill’s proposed change would also do nothing to facilitate the production of housing, the author’s stated goal, because housing is not one of the many uses that is considered a permitted use throughout jurisdiction. On the contrary, these LCPs conditionally allow numerous non-housing uses on sites that could potentially be developed far more usefully as housing. Under this bill such uses would no longer be appealable.

The Coastal Commission supports and shares the author’s and sponsor’s goal to increase the abundance and variety of housing in the coastal zone, including in western San Francisco. Minimizing unnecessary permit appeals that do not implicate coastal resource issues is one component of facilitating housing production. However, these aims can be achieved more readily by amending the few county LCPs (including San Francisco’s) that currently include multiple principally permitted uses to, instead, establish one principally permitted use among other permitted uses, as the majority of county LCPs already do. This would shrink the universe of approvals that are appealable in these counties to only those approvals for development that is not the

⁸ Santa Barbara County Coastal Zoning Ordinance, Division 11, Section 35-172.5.

principally permitted use. If the county's LCP established housing as the principally permitted use, housing projects would not be appealable to the Commission.

This administrative approach can be accomplished in San Francisco much more quickly than this bill could be enacted and go into effect. Addressing the issue of principally permitted use by clarifying counties' LCPs, rather than through legislation, also avoids the unintended negative consequence of making a wide array of non-housing development unappealable throughout California's coastal counties, including at the expense of potential housing. For these reasons, Section 3 of the bill is not needed to achieve the author's and sponsor's stated goals, and risks leading to unintended consequences that run counter to those goals.

CONCLUSION

SB 951 contains three different approaches to accelerate the construction of new development projects in the coastal zone. Section 1 of the bill would help streamline new housing production in the coastal zone by promoting alignment of local governments' housing element updates and associated local coastal program amendments, which is in line with the Commission's previous recommendations and coordination efforts. However, Sections 2 and 3 diminish the application of the Coastal Act to new development in general by reducing the geographic footprint of the coastal zone in the City and County of San Francisco, and by further limiting the coastal development permits approved by coastal counties that can be appealed to the Coastal Commission. These latter sections of the bill threaten the integrity of the Coastal Act, and would also lead to unintended consequences that run counter to the stated goals for these sections to promote greater housing production in San Francisco's coastal zone. These two sections should be removed from the bill and addressed through coordinated efforts with the City and County of San Francisco to clarify coastal permitting in the City and County's certified LCP.

SUPPORT

San Francisco Mayor London Breed (sponsor)

OPPOSITON

None on file.

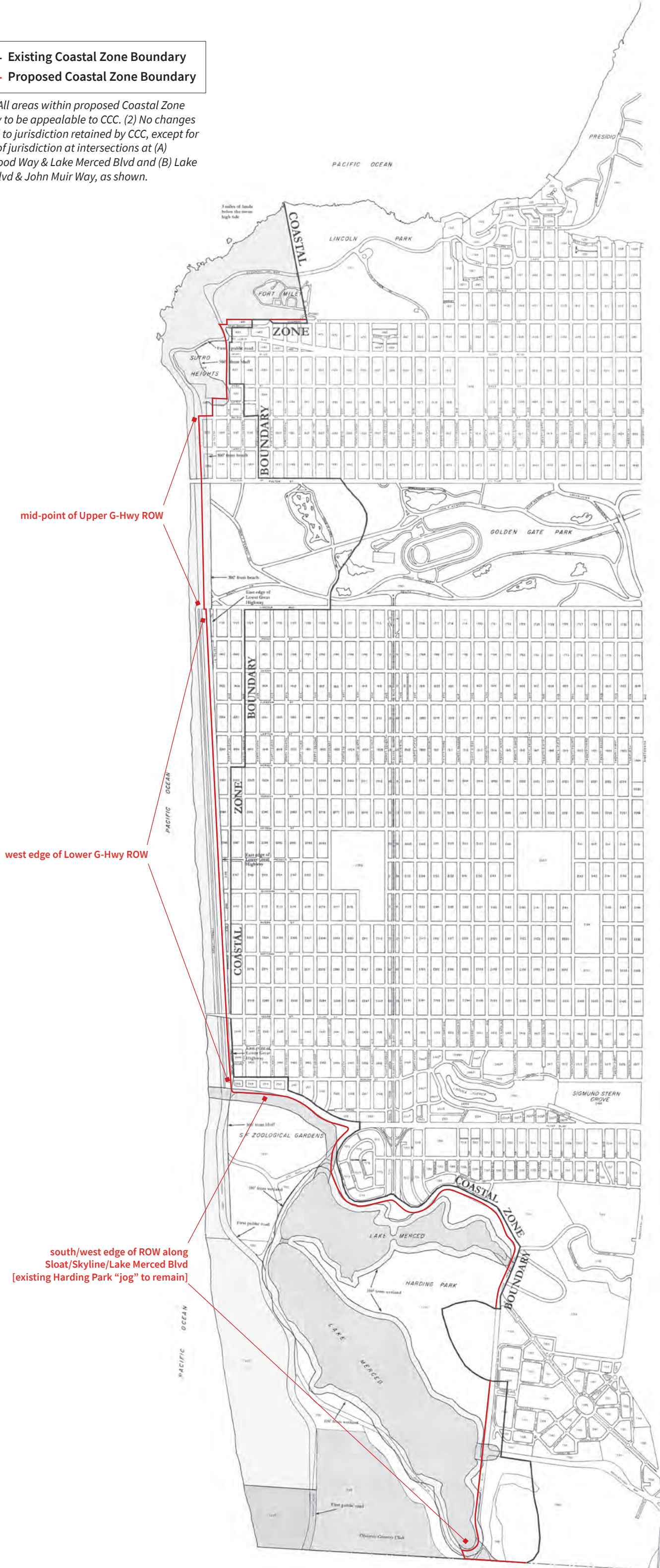
RECOMMENDED POSITION

Staff recommends that the Commission **OPPOSE SB 951 UNLESS AMENDED** to remove Sections 2 and 3 of the bill.

SB 951 (Wiener)
Proposed Coastal Zone
Boundary Change

— Existing Coastal Zone Boundary
— Proposed Coastal Zone Boundary

Note: (1) All areas within proposed Coastal Zone boundary to be appealable to CCC. (2) No changes proposed to jurisdiction retained by CCC, except for removal of jurisdiction at intersections at (A) Brotherhood Way & Lake Merced Blvd and (B) Lake Merced Blvd & John Muir Way, as shown.



CALIFORNIA COASTAL COMMISSION

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DATE: January 29, 2024
TO: Coastal Commission and Interested Persons
FROM: Legislative Unit and Legal Division
SUBJECT: Coastal Act: 2023 Chaptered Legislation

The 2023 California legislative session resulted in four pieces of chaptered legislation that amended the Coastal Act: AB 584 (Hart), SB 286 (McGuire), SB 360 (Blakespear), and SB 704 (Min). This memo reviews these statutory changes and describes how the Commission will implement this legislation. Relevant statutory language is provided below, with new language marked in underlined italics and removed language in ~~strikethrough~~.

There were also multiple pieces of chaptered legislation from the 2023 session that, while not amending the Coastal Act, either imposed new obligations on the Coastal Commission or altered state law in a manner relevant to the Commission. This report identifies six such measures that most directly affect the operations of the Coastal Commission or implementation of the Coastal Act: AB 3 (Zbur), AB 1217 (Gabriel), AB 1308 (Quirk-Silva), SB 272 (Laird), SB 423 (Wiener), and SB 605 (Padilla). The chaptered language of each measure is provided, along with a summary of any steps that will be taken by the Commission to implement or comply with the legislation.

All of these new laws took effect January 1, 2024, though it should be noted that provisions of SB 423 (Wiener) do not take effect in the coastal zone until January 1, 2025. The full text of each measure is available online through the links provided, and also at <http://leginfo.legislature.ca.gov/>.

2023 COASTAL ACT AMENDMENTS

1. [AB 584 \(Hart, Ch. 118, Stats. 2023\) coastal development: emergency waiver](#)

This legislation amends Section 30611 of the Coastal Act to increase the value limit of permanent structures that may be authorized by an emergency coastal development permit waiver from \$25,000 to \$125,000. This limit will automatically adjust annually for inflation pursuant to the consumer price index.

Implementation: No action is required to implement this legislation. Emergency development that would erect permanent structures valued at up to \$125,000 (and as adjusted for future inflation) and that meets the other requirements of Section 30611 may receive an emergency coastal development waiver at the discretion of the Executive Director.

Statutory language:

SEC. 1. Section 30611 of the Public Resources Code is amended to read:

30611.

When immediate action by a person or public agency performing a public service is required to protect life and public property from imminent danger, or to restore, repair, or maintain public works, utilities, or services destroyed, damaged, or interrupted by natural disaster, serious accident, or in other cases of emergency, the requirements of obtaining any permit under this division may be waived upon notification of the executive director of the commission of the type and location of the work within three days of the disaster or discovery of the danger, whichever occurs first. Nothing in this section authorizes permanent erection of structures valued at more than ~~twenty-five thousand dollars (\$100,000)~~ one hundred twenty-five thousand dollars (\$125,000), adjusted annually for inflation pursuant to the consumer price index.

2. [SB 286 \(McGuire, Ch. 386, Stats. 2023\) Offshore wind energy projects](#)

Relevant to the Coastal Commission, this legislation adds four new sections to the Coastal Act related to the development of offshore wind energy facilities:

- Section 30001.3 makes legislative findings regarding the importance of developing offshore wind energy generation facilities in order to meet California's renewable energy goals, while also avoiding, minimizing, and mitigating impacts to ocean and coastal resources to the maximum extent feasible.
- Section 30601.4 directs the Commission to process a consolidated coastal development permit (pursuant to Section 30601.3) for any development in the coastal zone associated with offshore wind energy generation and transmission that would otherwise require a coastal development permit from both a local government and from the commission, provided that permit consolidation would not substantially impair public participation. The legislation requires the

Commission to forward an application for a consolidated coastal development permit to the applicable local government(s) for their review and comment.

- Section 30616 establishes and tasks the Coastal Commission with convening the California Offshore Wind Energy Fisheries Working Group (Working Group), composed of representatives of the Commission, Department of Fish and Wildlife, State Lands Commission (SLC), Ocean Protection Council, relevant federal agencies, the commercial and recreational fishing industries, the offshore wind energy industry, California Native American tribes with affected tribal fisheries, and other stakeholders. Section 30616 requires the Working Group to develop a statewide strategy for ensuring that offshore wind energy projects avoid and minimize impacts to ocean fisheries to the maximum extent possible; avoid, minimize, and mitigate impacts to fishing and fisheries; and compensate commercial, recreational, and tribal fishers for economic impacts to fisheries resulting from offshore wind energy projects. The strategy must be completed on or before January 1, 2026. The legislation requires the Coastal Commission to adopt the statewide strategy on or before May 1, 2026, and to periodically review the strategy as needed to determine if changes are necessary. An applicant seeking approval or concurrence from a state agency for an offshore wind energy project must comply with the terms, recommendations, and best practices established in the statewide strategy.
- Section 30617 requires the Commission, when reviewing a workforce development plan submitted to the federal Bureau of Ocean Energy Management consistent with the Commission's consistency determinations for the Morro Bay and Humboldt Wind Energy Areas, to consult with representatives of labor organizations for the construction trades and maritime and longshore workforce.

The legislation also designates SLC as the CEQA lead agency for all new development associated with offshore wind energy; creates the Offshore Wind Energy Resiliency Fund; requires SLC to deposit revenue generated from offshore wind energy project leases into the Fund; and directs SLC and local trustees of granted public lands to consider including within their leases a requirement to provide compensatory mitigation for impacts to fishing.

Implementation: In November 2023, the Commission selected and notified the members of the California Offshore Wind Energy Fisheries Working Group, and the Commission held the initial convening of the Working Group in December 2023. Initial points of focus for the Working Group will include best practices for the site assessment and survey activities. These and future efforts will culminate in the completion of the required statewide avoidance, minimization, and mitigation strategy by the statutory deadline of January 1, 2026, and submission of the strategy to the Commission for potential adoption.

The legislation also requires the Coastal Commission to process consolidated coastal development permits for future development associated with offshore wind facilities, and

to consult with labor organizations when reviewing workforce development plans for offshore wind projects. These actions are tied to the state and federal regulatory processes, respectively, and thus will occur at the appropriate juncture as future offshore wind energy projects proceed through those processes.

Relevant statutory language:

SEC. 1. Chapter 6 (commencing with Section 7100) is added to Part 2 of Division 6 of the Public Resources Code, to read:

Chapter 6. Leases for Offshore Wind Energy Projects

7100.

(a) Notwithstanding Section 6217, the commission shall deposit revenue generated from an offshore wind energy project lease in the Offshore Wind Energy Resiliency Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, for the purposes described in paragraph (7) of subdivision (c) of Section 30616.

(b) The commission or a local trustee of granted public trust lands, when issuing a lease for purposes of an offshore wind energy project, shall consider including within the lease reasonable compensatory mitigation for unavoidable impacts to fishing and tribal interests pursuant to Section 30616. In considering the inclusion of reasonable compensatory mitigation, the commission or a local trustee of granted public trust lands shall consider the recommendations for reasonable compensatory mitigation made by the California Offshore Wind Energy Fisheries Working Group established pursuant to Section 30616, including the working group's recommendations for a payment structure to reasonably compensate commercial, tribal, and recreational fisheries and impacted commercial fish processors for unavoidable impacts associated with offshore wind energy projects.

SEC. 2. Section 30001.3 is added to the Public Resources Code, to read:

30001.3.

The Legislature finds and declares all of the following:

(a) Offshore wind energy generation is an important component of California's renewable energy portfolio.

(b) While offshore wind energy generation can provide significant climate and economic benefits, industrial scale development and deployment of offshore wind energy will also have impacts on coastal and ocean resources, fisheries, and coastal communities that are not yet fully understood.

(c) The urgency of the climate crisis and the importance of ocean health to maintaining a livable planet necessitate the expeditious development of offshore wind energy generation facilities and associated infrastructure in a manner that also avoids, minimizes, and mitigates impacts to ocean and coastal resources to the maximum extent practicable.

(d) Through science-based monitoring and mitigation, meaningful engagement with affected communities, adaptive management, and equitable workforce development, California can be a world leader in the rapid, just, and environmentally sustainable generation of renewable energy from offshore wind.

SEC. 3. Section 30601.4 is added to the Public Resources Code, to read:

30601.4.

(a) (1) The commission shall process a consolidated coastal development permit for any new development that requires a coastal development permit and that is associated with, appurtenant to, or necessary for the construction and operation of offshore wind energy projects, and transmission facilities needed for those projects, located in the coastal zone, as defined in this division. Section 30601.3 applies to a consolidated coastal development permit pursuant to this section, except that paragraph (2) of subdivision (a) of Section 30601.3 does not apply, and provided that public participation is not substantially impaired by the review of the consolidated coastal development permit.

(2) Upon receipt of an application for purposes of this subdivision, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area in which the project would occur. The local governmental agencies may review the application and submit comments on, among other things, applicable provisions of the local coastal program and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(3) The commission shall coordinate with affected local governmental agencies to incorporate or otherwise address their recommendations in the final consolidated coastal development permit, including measures to address impacts from offshore wind development and respond to community needs, consistent with this division.

(4) The commission shall engage with federally recognized and nonfederally recognized California Native American tribes with fisheries that could be affected by future development associated with a lease for an offshore wind energy project on all elements of the lessees' project development process, including measures to address impacts from offshore wind development and respond to community needs, consistent with the commission's tribal consultation policy.

(5) To avoid duplication and to increase regulatory efficiency, the commission and the State Lands Commission shall coordinate with relevant local, state, and federal agencies to encourage and facilitate the preparation of joint environmental documents pursuant to the California Environmental Quality Act (Division 13 commencing with Section 21000) and the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) for projects proposed pursuant to this section.

(b) (1) The State Lands Commission shall be the lead agency for purposes of the California Environmental Quality Act for offshore wind energy projects pursuant to this

division and shall prepare, or cause to be prepared, all environmental documents required by law.

(2) Paragraph (1) does not affect the determination of which entity shall serve as a lead agency for the purposes of the California Environmental Quality Act for projects undertaken pursuant to Chapter 8 (commencing with Section 30700).

SEC. 4. Section 30616 is added to the Public Resources Code, to read:

30616.

(a) (1) The California Offshore Wind Energy Fisheries Working Group is hereby established. The working group shall be composed of representatives of the commission, the Department of Fish and Wildlife, the State Lands Commission, the Ocean Protection Council, representatives of the commercial and recreational fishing industries, the offshore wind energy industry, representatives of relevant federal agencies, representatives of California Native American tribes with affected tribal fisheries, and other stakeholders as appropriate, as determined by the commission.

(2) The number of representatives in the working group representing the commercial and recreational fishing industries, the offshore wind energy industry, California Native American tribes with affected tribal fisheries, and any other stakeholders included in the working group, as specified in paragraph (1), shall be determined by the commission.

(b) On or before January 1, 2025, the commission, in coordination with the Department of Fish and Wildlife, shall convene the working group for the purpose of developing a statewide strategy for ensuring that offshore wind energy projects avoid and minimize impacts to ocean fisheries to the maximum extent possible, avoid, minimize, and mitigate impacts to fishing and fisheries in a manner that prioritizes fishery productivity, viability, and long-term resilience, and fairly and reasonably compensate persons engaged in the commercial and recreational fishing industries and tribal fisheries for economic impacts to ocean fisheries resulting from offshore wind energy projects.

(c) The statewide strategy developed pursuant to this section shall include best practices for addressing impacts to the commercial and recreational fishing industries, tribal fisheries, and environmental resources associated with offshore wind energy projects, including, but not limited to, the following:

(1) Protocols for communication among impacted parties.

(2) A methodology for a comprehensive project-level socioeconomic analysis of direct and indirect impacts to commercial and recreational fishing industries and tribal fisheries.

(3) Best practices for offshore surveys and data collection to assess impacts.

(4) Best practices for avoidance and minimization of impacts, including the use of evidence-informed adaptive management.

(5) A template for a fishing agreement that includes all relevant elements of the statewide strategy.

(6) A template for an agreement addressing tribal fishing interests that includes all relevant elements of the statewide strategy.

(7) (A) A framework for reasonable compensatory mitigation for unavoidable impacts to the commercial and recreational fishing industries and tribal fisheries.

(B) The framework for reasonable compensatory mitigation shall include a payment structure to reasonably compensate commercial, tribal, and recreational fisheries and impacted commercial fish processors for unavoidable impacts associated with offshore wind energy projects, including for all of the following:

(i) Investments in fleet improvements to promote resiliency.

(ii) Reasonable compensation for the commercial fishing industry for personal property losses caused by offshore wind energy projects. The working group shall ensure that payments for purposes of this clause provide sufficient funds for the entire lifetime of the offshore wind energy project to reasonably compensate the commercial fishing industry for all lost personal property.

(iii) Reasonable compensation for lost commercial and tribal revenue due to reduced fishing grounds.

(iv) Funding for robust monitoring and evaluation of offshore wind turbines and their impact on fisheries and the surrounding environment.

(v) A proportionate amount from each lessee that is sufficient to cover state costs pursuant to this section, including, but not limited to, the costs of the working group's activities and other administrative expenses.

(8) A recognition of locally negotiated agreements between the fishing industry and offshore wind energy leaseholders.

(d) (1) The working group shall complete the statewide strategy, including the framework for reasonable compensatory mitigation for unavoidable impacts, on or before January 1, 2026.

(2) The commission shall review for consistency with Chapter 3 (commencing with Section 30200), modify as necessary, and adopt, the statewide strategy, including the framework for reasonable compensatory mitigation for unavoidable impacts, on or before May 1, 2026.

(3) (A) An applicant seeking approval or concurrence from a state agency for an offshore wind energy project shall comply with the terms, recommendations, and best practices established in the statewide strategy, as adopted by the commission.

(B) The commission shall ensure that the terms, recommendations, and best practices established in the statewide strategy, as adopted by the commission, are implemented.

(4) The commission shall review the statewide strategy as needed to determine if any changes are necessary. At a regularly noticed public hearing, the commission shall present the outcome of any review pursuant to this paragraph and may, by resolution, authorize the reconvening of the working group.

(e) Representatives of the commercial fishing industry, recreational fishing industry, and California Native American tribes who participate in the working group shall be compensated for expenses reasonably incurred for approved working group activities, including attendance at meetings, at a rate of fifty dollars (\$50) per hour, up to no more than five hundred dollars (\$500) per day. Representatives of the commercial fishing industry, recreational fishing industry, and California Native American tribes may also receive reimbursement for reasonable travel expenses. Funds used to compensate representatives of the commercial fishing industry, recreational fishing industry, and California Native American tribes pursuant to this subdivision shall be paid from the Offshore Wind Energy Resiliency Fund to the extent funds are available pursuant to subdivision (b) of Section 7100.

SEC. 5. Section 30617 is added to the Public Resources Code, to read:

30617.

As part of the commission's federal consistency process, when reviewing a workforce development plan submitted to the federal Bureau of Ocean Energy Management consistent with conditions 5 and 6 of the commission's Consistency Determination CD-0001-22 and Consistency Determination CD-0004-22 and existing statutory requirements, the commission shall consult with representatives of labor organizations for the construction trades and maritime and longshore workforce in furtherance of providing for career and workforce training and retraining for individuals whose livelihoods are disrupted by the development of offshore wind energy projects.

...

3. **[SB 360 \(Blakespear, Ch. 108, Stats. 2023\) California Coastal Commission: member voting](#)**

This bill amends Coastal Act Section 30318 to allow Coastal Commissioners to simultaneously serve on Local Agency Formation Commissions (LAFCOs) and/or Joint Powers Authorities (JPAs) while also serving on the Coastal Commission.

Implementation: No action is required to implement this legislation.

Statutory language:

SEC. 1. Section 30318 of the Public Resources Code is amended to read:

30318.

This division shall not preclude or prevent a member or employee of the commission who is also an employee of another public agency, a county supervisor or city councilperson, member of the Association of Bay Area Governments, member of the Association of Monterey Bay Area Governments, member of a joint powers authority, member of a local agency formation commission, delegate to the Southern California Association of Governments, or member of the San Diego Association of Governments, and who has in that designated capacity voted or acted upon a particular matter, from

voting or otherwise acting upon that matter as a member or employee of the commission. This section shall not exempt a member or employee of the commission from any other provision of this article.

4. **SB 704 (Min, Ch. 292, Stats. 2023) Coastal resources: California Coastal Act of 1976: industrial developments: oil and gas developments: refineries: petrochemical facilities: offshore wind**

This legislation amends Sections 30260, 30262, and 30263 (the “industrial override” provisions of the Coastal Act) to establish that new or expanded oil and gas facilities, refineries, and petrochemical facilities are not coastal-dependent industrial facilities, and thus are not eligible to be approved using those sections. The legislation specifies that repair and maintenance of existing oil and gas facilities, refineries, and petrochemical facilities, as well as the development of facilities for the purpose of producing low-carbon fuels at an existing refinery or petrochemical facility, may be approved pursuant to those sections. Separately, the legislation amends Section 30006.5 to add offshore wind energy as a topic on which the Commission may receive technical advice and recommendations, and adds language to Section 30701 encouraging existing ports to pursue development that contributes to the construction and deployment of offshore wind energy generation facilities consistent with the Coastal Act.

Implementation: No action is required to implement this legislation. When the Commission receives a coastal development permit application for a new or expanded oil and gas facility, refinery, or petrochemical facility, the standard of review will be the Chapter 3 policies of the Coastal Act, as is already the case for most development in the Commission’s jurisdiction. Applications for repair or maintenance of existing oil and gas facilities, refineries, and petrochemical facilities will continue to be eligible for approval pursuant to Section 30262 or 30263, provided the proposed repair or maintenance meets the requirements of the applicable section, including that it would not increase the capacity of the facility. Also, the Commission may permit development of facilities for the purpose of producing low-carbon fuels at an existing refinery or petrochemical facility in accordance with Section 30260 if the proposed development meets the applicable requirements. The Commission will notify local jurisdictions whose certified local coastal programs contain policies intended to reflect Sections 30260, 30262, and 30263, and will encourage those jurisdictions to update their LCPs to incorporate the amendments made to those sections by this legislation.

Statutory language:

SEC 1. Section 30006.5 of the Public Resources Code is amended to read:

30006.5.

The Legislature further finds and declares that sound and timely scientific recommendations are necessary for many coastal planning, conservation, and development decisions and that the commission should, in addition to developing its own expertise in significant applicable fields of science, interact with members of the

scientific and academic communities in the social, physical, and natural sciences so that the commission may receive technical advice and recommendations with regard to its decisionmaking, especially with regard to issues such as coastal erosion and geology, agriculture, marine biodiversity, wetland restoration, sea level rise, offshore wind development, desalination plants, and the cumulative impact of coastal zone developments.

SEC 2. Section 30260 of the Public Resources Code is amended to read:

30260.

(a) Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division.

(b) ~~However~~ Notwithstanding subdivision (a), where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if all of the following conditions are met:

- (1) ~~alternative~~ Alternative locations are infeasible or more environmentally damaging;
- (2) ~~to do otherwise~~ Permitting the development would not adversely affect the public welfare; ~~and~~
- (3) ~~adverse~~ Adverse environmental effects are mitigated to the maximum extent feasible.
- (4) The new or expanded coastal-dependent industrial facility is not an oil and gas development, refinery, or petrochemical facility.

SEC. 3. Section 30262 of the Public Resources Code is amended to read:

30262.

(a) New or expanded Oil oil and gas development shall not be considered a coastal-dependent industrial facility for the purposes of Section 30260, and may be permitted only if found consistent with all applicable provisions of this division ~~be permitted in accordance with Section 30260, and~~ if all of the following conditions are met:

- (1) The development is performed safely and consistent with the geologic conditions of the well site.
- (2) ~~New or expanded facilities~~ Activities related to that development are consolidated, to the maximum extent feasible and legally permissible, unless consolidation will have adverse environmental consequences and will not significantly reduce the number of producing wells, support facilities, or sites required to produce the reservoir economically and with minimal environmental impacts.

~~(3) Environmentally safe and feasible subsea completions are used when drilling platforms or islands would substantially degrade coastal visual qualities unless use of those structures will result in substantially less environmental risks.~~

~~(4) Platforms or islands will not be sited where a substantial hazard to vessel traffic might result from the facility or related operations, as determined in consultation with the United States Coast Guard and the Army Corps of Engineers.~~

~~(5)~~ (3) The development will not cause or contribute to subsidence hazards unless it is determined that adequate measures will be undertaken to prevent damage from such subsidence.

~~(6)~~ (4) ~~With respect to new facilities, all~~ All oilfield brines are reinjected into oil-producing zones unless the Geologic Energy Management Division of the Department of Conservation determines to do so would adversely affect production of the reservoirs and unless injection into other subsurface zones will reduce environmental risks. Exceptions to reinjections will be granted consistent with the ~~Ocean Waters Discharge Plan~~ California Ocean Plan of the State Water Resources Control Board and where adequate provision is made for the elimination of petroleum odors and water quality problems.

~~(7)~~ (5)(A) All oil produced offshore California shall be transported onshore by pipeline only. The pipelines used to transport this oil shall utilize the best achievable technology to ensure maximum protection of public health and safety and of the integrity and productivity of terrestrial and marine ecosystems.

(B) Once oil produced offshore California is onshore, it shall be transported to processing and refining facilities by pipeline.

(C) The following guidelines shall be used when applying subparagraphs (A) and (B):

(i) "Best achievable technology," means the technology that provides the greatest degree of protection taking into consideration both of the following:

(I) Processes that are being developed, or could feasibly be developed, anywhere in the world, given overall reasonable expenditures on research and development.

(II) Processes that are currently in use anywhere in the world. This clause is not intended to create any conflicting or duplicative regulation of pipelines, including those governing the transportation of oil produced from onshore reserves.

(ii) "Oil" refers to crude oil before it is refined into products, including gasoline, bunker fuel, lubricants, and asphalt. Crude oil that is upgraded in quality through residue reduction or other means shall be transported as provided in subparagraphs (A) and (B).

(iii) Subparagraphs (A) and (B) shall apply only to new or expanded oil extraction operations. "New extraction operations" means production of offshore oil from leases that did not exist or had never produced oil, as of January 1, 2003, or from platforms, drilling ~~island~~ islands, subsea

completions, or onshore drilling sites, that did not exist as of January 1, 2003. "Expanded oil extraction" means an increase in the geographic extent of existing leases or units, including lease boundary adjustments, or an increase in the number of well heads, on or after January 1, 2003.

(iv) For new or expanded oil extraction operations subject to clause (iii), if the crude oil is so highly viscous that pipelining is determined to be an infeasible mode of transportation, or where there is no feasible access to a pipeline, shipment of crude oil may be permitted over land by other modes of transportation, including trains or trucks, which meet all applicable rules and regulations, excluding any waterborne mode of transport.

~~(8)~~ (6) If a state of emergency is declared by the Governor for an emergency that disrupts the transportation of oil by pipeline, oil may be transported by a waterborne vessel, if authorized by permit, in the same manner as required by emergency permits that are issued pursuant to Section 30624.

~~(9)~~ (7) In addition to all other measures that will maximize the protection of marine habitat and environmental quality, when an offshore well is abandoned, the best achievable technology shall be used.

(b) Repair and maintenance of an existing oil and gas facility may be permitted in accordance with Section 30260 only if it does not result in expansion of capacity of the oil and gas facility, and if all applicable conditions of subdivision (a) are met.

~~(b)~~ *(c)* Where appropriate, monitoring programs to record land surface and near-shore ocean floor movements shall be initiated in locations of new large-scale fluid extraction on land or near shore before operations begin and shall continue until surface conditions have stabilized. Costs of monitoring and mitigation programs shall be borne by liquid and gas extraction operators.

~~(c)~~ *(d)* Nothing in this section shall affect the activities of any state agency that is responsible for regulating the extraction, production, or transport of oil and gas.

SEC. 4. Section 30263 of the Public Resources Code is amended to read:

30263.

~~(a) New or expanded refineries or petrochemical facilities not otherwise consistent with the provisions of this division shall be permitted if (1) alternative locations are not feasible or are more environmentally damaging; (2) adverse environmental effects are mitigated to the maximum extent feasible; (3) it is found that not permitting such development would adversely affect the public welfare; (4) the facility is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas; and (5) the facility is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property shall not be considered a coastal-dependent industrial facility for the purposes of Section 30260, and may be permitted only if found to be consistent with all applicable provisions of this division.~~

(b) New or expanded refineries or petrochemical facilities shall minimize the need for once-through cooling by using air cooling to the maximum extent feasible and by using treated waste waters from inplant processes where feasible.

(c) Repair and maintenance of existing refineries or petrochemical facilities may be permitted in accordance with Section 30260 only if the following conditions are met:

(1) The development does not result in expansion of capacity of existing refineries or petrochemical facilities.

(2) Alternative locations are not feasible or are more environmentally damaging.

(3) Adverse environmental effects are mitigated to the maximum extent feasible.

(4) Permitting the development would not adversely affect the public welfare.

(5) The development is not located in a highly scenic or seismically hazardous area, on any of the Channel Islands, or within or contiguous to environmentally sensitive areas.

(6) The development is sited so as to provide a sufficient buffer area to minimize adverse impacts on surrounding property.

(d) Notwithstanding subdivision (a) of this section and paragraph (4) of subdivisions (b) of Section 30260, development of facilities for the purposes of producing low-carbon fuels at an existing refinery or petrochemical facility may be permitted in accordance with Section 30260 if all requirements of that section and subdivision (c) of this section are met.

SEC. 5. Section 30701 of the Public Resources Code is amended to read:

30701.

The Legislature finds and declares that:

(a) The ports of the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, constitute one of the state's primary economic and coastal resources and are an essential element of the national maritime industry.

(b) The location of the commercial port districts within the State of California, including the Humboldt Bay Harbor, Recreation, and Conservation District, are well established, and for many years such areas have been devoted to transportation and commercial, industrial, and manufacturing uses consistent with federal, state and local regulations. Coastal planning requires no change in the number or location of the established commercial port districts. Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, shall be encouraged to modernize and construct necessary facilities within their boundaries in order to minimize or eliminate the necessity for future dredging and filling to create new ports in new areas of the state.

(c) Existing ports, including the Humboldt Bay Harbor, Recreation, and Conservation District, should be encouraged to pursue development that contributes to the construction and deployment of offshore wind energy generation facilities, consistent with the policies of this division.

OTHER 2023 LEGISLATION RELEVANT TO THE COMMISSION

1. [AB 3 \(Zbur, Ch. 314, Stats. 2023\) Offshore wind energy: reports](#)

This bill requires the Energy Commission to develop a plan related to seaport readiness for offshore wind energy development, in consultation with the Coastal Commission, State Lands Commission, Ocean Protection Council, Department of Fish and Wildlife, Governor’s Office of Business and Economic Development (GO-Biz), and Office of Planning and Research, by December 31, 2026. The report must include recommendations regarding the ports best suited to support offshore wind energy developments and in-state workforce opportunities, including opportunities for low-income and environmental justice communities, among other recommendations and considerations. The bill further requires the Energy Commission to develop, in coordination with GO-Biz, a second report that analyzes the feasibility of achieving 50% and 65% in-state assembly and manufacturing of offshore wind energy projects. The Energy Commission is required to submit that report to the Governor and the Legislature by December 31, 2027.

Implementation: Coastal Commission staff will coordinate with Energy Commission staff and other consulting agencies as appropriate to assist in the development of the plan for seaport readiness for offshore wind energy development by December 31, 2026, as required by the legislation. This coordination will build off of ongoing multiagency planning and coordination efforts to develop and implement the strategic plan for offshore wind energy development, previously required by [AB 525](#) (Chiu, Ch. 231, Stats. 2021).

Relevant statutory language:

...

SEC. 3. Section 25991.8 is added to the Public Resources Code, to read:

25991.8.

(a) (1) The commission, in consultation with the State Lands Commission, the Ocean Protection Council, the Department of Fish and Wildlife, the Governor’s Office of Business and Economic Development, the Office of Planning and Research, and the California Coastal Commission, shall develop a second-phase plan and strategy for seaport readiness that builds upon the recommendations and alternatives in the strategic plan for offshore wind energy developments developed pursuant to Sections 25991 and 25991.3.

(2) (A) The commission shall make a draft report, with recommendations for implementation of a port development strategy, available for public review and comment for at least 60 days and shall submit a final report on its recommendations for a seaport readiness strategy to the Governor and the Legislature on or before December 31, 2026.

(B) The plan submitted to the Legislature pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(b) For purposes of the second-phase plan described in subdivision (a), the commission shall do all of the following:

(1) Identify feasible seaport locations for offshore wind turbine assembly to serve Central Coast and North Coast offshore wind energy projects.

(2) Recommend and prioritize only port alternatives where site control can be obtained by a port authority or state agency within five years.

(3) Recommend and prioritize alternatives only with sufficient landside and water acreage or capacity to support maximum in-state assembly and manufacturing of offshore wind energy components.

(4) Recommend and prioritize port locations that minimize impacts to cultural and natural resources, including the marine and onshore environments, sensitive species, and habitats.

(5) Identify and prioritize ports that maximize in-state workforce opportunities, including workforce opportunities for low-income and environmental justice communities.

(6) Consider transportation and other infrastructure investments needed to develop the identified seaports and waterfront facilities needed for offshore wind energy activities.

(7) Collaborate with tribal governments to develop appropriate seaport siting criteria that minimize adverse impacts to natural and cultural resources and maximize economic and workforce benefits to the tribal governments.

(8) Consult with key stakeholders, including, but not limited to, environmental organizations, environmental justice organizations, fisheries groups, labor unions, electric ratepayer advocates, offshore wind energy developers, oceangoing vessel operators, and related industry stakeholders, local governments and public port authorities, and other ocean users, to develop appropriate seaport siting criteria that minimize adverse impacts to cultural and natural resources, minimize adverse impacts to local communities, maximize local and in-state economic and workforce benefits, incorporate equity and environmental justice in seaport development, minimize impacts to California electric ratepayers, and avoid delays in the seaport entitlement process.

(9) Collaborate with the oceangoing vessel operator and commercial maritime industry to identify appropriate ocean spatial planning policies and siting criteria that minimize adverse impacts to vessel navigation and maximize maritime safety. The commission shall seek to coordinate and collaborate with the United States Coast Guard for purposes of this paragraph on matters that fall within the Coast Guard's authority and jurisdiction.

(10) Assess the estimated cost and identify potential funding and financing strategies for necessary port development and redevelopment that support offshore wind energy activities, including the potential to leverage federal funding.

...

2. [AB 1217 \(Gabriel, Ch. 569, Stats. 2023\) Business pandemic relief](#)

Relevant to the Coastal Act, this legislation extends, until July 1, 2026, the statutory requirement that local governments that have not adopted an ordinance that reduces parking requirements to allow for expanded outdoor dining to nonetheless provide such parking reductions in in order to mitigate COVID-19 pandemic restrictions.

Implementation: No action is required to implement this legislation. Any local government in the coastal zone that does not yet have an ordinance as part of its certified LCP that reduces parking requirements to accommodate expanded outdoor dining must continue any pandemic-era reductions until July 1, 2026. The Coastal Commission will coordinate with any local governments without a certified ordinance that wish to maintain reduced parking beyond the statutory sunset to update their LCPs or apply for a CDP from the Commission, as appropriate, to allow for continued expanded outdoor dining consistent with Coastal Act and LCP policies.

Relevant statutory language:

...

SEC. 3. Section 65907 of the Government Code is amended to read:

65907.

(a) To the extent that an outdoor expansion of a business to mitigate COVID-19 pandemic restrictions on indoor dining interferes with, reduces, eliminates, or impacts required parking for existing uses, a local jurisdiction that has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas shall reduce the number of required parking spaces for existing uses by the number of spaces that the local jurisdiction determines are needed to accommodate an expanded outdoor dining area.

(b) This section shall remain in effect only until July 1, 2026, and as of that date is repealed.

...

3. [AB 1308 \(Quirk-Silva, Ch. 756, Stats. 2023\) Planning and Zoning Law: single-family residences: parking requirements](#)

This legislation prohibits a public agency from imposing an increased minimum parking standard as a condition of a permit to remodel, renovate, or add to a single-family residence, provided that the proposed remodel, renovation, or addition would not cause the residence to exceed the maximum size limits allowed under the applicable zoning regulations.

Implementation: No action is required to implement this legislation. As a result of the legislation, the Commission and local governments are prohibited from increasing the minimum parking requirement that applies to a single-family residence as a condition of approval of a coastal development permit to remodel, renovate, or add to the residence. This prohibition does not apply if the proposed remodel, renovation, or addition would cause the residence to exceed the maximum size limits (e.g., height, lot coverage, floor-area ratio) in the applicable local coastal program or other applicable zoning regulations.

Relevant statutory language:

SEC. 1. Section 65863.3 is added to the Government Code, to read:

65863.3.

(a) A public agency shall not increase the minimum parking requirement that applies to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence provided that the project does not cause the single-family residence to exceed any maximum size limit imposed by the applicable zoning regulations, including, but not limited to, height, lot coverage, and floor-to-area ratio.

(b) For purposes of this section, “public agency” means the state or any state agency, board or commission, any city, county, city and county, including charter cities, or special district, or any agency, board, or commission of the city, county, city and county, special district, joint powers authority, or other political subdivision.

(c) The Legislature finds and declares that the imposition of mandatory parking minimums can increase the cost of housing, limit the number of available units, lead to an oversupply of parking spaces, and increased greenhouse gas emissions. Therefore, this section shall be interpreted in favor of the prohibition of the imposition of mandatory parking minimums as outlined in this section.

(d) This section shall not be construed to allow a local agency to impose parking restrictions that are more restrictive than the requirements a local agency is authorized to impose under Section 65852.2, if the single-family residence is on the same lot as an accessory dwelling unit.

...

4. [SB 272 \(Laird, Ch. 384, Stats. 2023\) Sea level rise: planning and adaptation](#)

This legislation requires every local government in the coastal zone and along the San Francisco Bay shoreline to develop a sea level rise plan as part of its Local Coastal Program (LCP) or San Francisco Bay Shoreline Resiliency Plan, respectively, by January 1, 2034. A sea level rise plan must include use of best available science, a vulnerability assessment, adaptation strategies and recommended projects, and identification of lead planning and implementation agencies. Each sea level rise plan will be updated on a timeline agreed upon by the local government and the Coastal Commission or the San Francisco Bay Conservation and Development Commission (BCDC), as applicable. The legislation requires the Commission and BCDC to

collaborate with OPC and the Sea Level Rise State and Regional Support Collaborative to develop guidelines by December 31, 2024 to assist local governments in this work. Local governments that satisfy the requirements of the legislation will be prioritized for state funding for coastal adaptation projects.

Implementation: The Coastal Commission already encourages local governments in the coastal zone to update their LCPs on a voluntary basis to plan for and adapt to coastal hazards, including sea level rise. Since 2013, the Commission has awarded approximately \$21 million to incentivize and assist local governments in completing this work. To date, of the 64 coastal jurisdictions that have a certified LCP, more than half of those LCPs already include some coastal hazards policies or are in the process of being amended to include them.

This legislation transitions these coastal hazards planning efforts from a voluntary exercise to a statutory requirement, and sets January 1, 2034 as the deadline for local governments in the coastal zone to include sea level rise plans in their LCPs. Compliance with this mandate will involve significant coordination between local governments and Commission staff over the next 10 years to develop, submit, and process LCP amendments to certify the sea level rise plans required by the legislation. For coastal jurisdictions that do not yet have a certified LCP, complying with this legislation will necessarily involve developing one and submitting it to the Commission for certification. The legislation further requires local governments to update their LCP sea level rise plans periodically. Timeframes for updates will be negotiated between the Commission and individual local governments, taking into consideration various triggers, hazards modeling, and funding sources.

To assist local governments in this work, and as required by the legislation, the Commission and BCDC will coordinate with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative to establish guidelines for the preparation of sea level rise plans. The Coastal Commission previously developed and adopted interpretive guidance in 2015 focusing on how to integrate the best available science into local coastal planning documents. The Guidance was updated in 2018 to reflect and align with the updated hazards projections in OPC's 2018 Sea Level Rise Guidance. As part of implementing this legislation, the Commission will further update this Guidance to reflect the new requirement for specific components to be included in a sea level rise plan, and to track the most current version of OPC's sea level rise science. This will ensure that the State's best available science on sea level rise is systematically incorporated into sea level rise plans and, accordingly, LCPs.

Statutory language:

SEC. 1.

(a) In enacting the provisions of Division 20.6.9 (commencing with Section 30985) of the Public Resources Code relating to the San Francisco Bay Conservation and

Development Commission and the local governments lying, in whole or in part, within its jurisdiction, the Legislature finds and declares all of the following:

(1) The San Francisco Bay area is a vibrant, diverse, ecologically unique, innovative, and pioneering region that will be deeply and deleteriously affected by climate change without tremendous effort and investments to adapt to a constantly changing shoreline.

(2) Flood damage to vital shoreline development, public infrastructure, and facilities, such as neighborhoods, commercial centers, airports, seaports, regional transportation facilities, landfills, contaminated lands, and wastewater treatment facilities, absent adaptation will require costly repairs and likely will result in the interruption or loss of vital services and degraded environmental quality.

(3) In 2019, the San Francisco Bay Conservation and Development Commission, in collaboration with a leadership advisory group comprised of 35 bay area public, private, and nonprofit leaders, embarked on the development of "Bay Adapt," a consensus-driven strategy for regional sea level rise adaptation, and on October 21, 2021, the San Francisco Bay Conservation and Development Commission adopted the Bay Adapt Joint Platform. It has also been adopted or endorsed by over 50 local, regional, state, and other organizations in the bay area.

(4) The Bay Adapt Joint Platform lays out a set of guiding principles, priority actions, and vital tasks whose implementation will enable the region to adapt faster, better, and more equitably to a rising San Francisco Bay.

(b) In enacting the provisions of Division 20.6.9 (commencing with Section 30985) of the Public Resources Code relating to the California Coastal Commission, and the local governments lying, in whole or in part, within its jurisdiction, the Legislature finds and declares all of the following:

(1) The California Coastal Commission's Local Government Working Group is comprised of local elected officials, commission staff, and two members of the commission. In November 2020, the California Coastal Commission, the League of California Cities, and the California State Association of Counties asked the Local Government Working Group to develop principles and strategies for incorporating sea level rise into local coastal program updates.

(2) In December 2021, the Local Government Working Group released the following four work products:

(A) A framework for a phased approach to local coastal program updates for sea level rise.

(B) A call for regional approaches to resiliency and adaptation.

(C) An elevation and concurrence process to support efficient local coastal program updates.

(D) A quick-links reference document, including resources for sea level rise planning and local coastal program updates.

(3) The Local Government Working Group has affirmed its commitment to the development and advancement of tools that provide local flexibility for adaptation planning while also serving consistent statewide application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

SEC. 2. Division 20.6.9 (commencing with Section 30985) is added to the Public Resources Code, to read:

Division 20.6.9. Sea Level Rise Planning and Adaptation

30985.

(a) A local government lying, in whole or in part, within the coastal zone or within the jurisdiction of the San Francisco Bay Conservation and Development Commission shall develop a sea level rise plan as part of either of the following, as applicable:

(1) A local coastal program that is subject to approval by the California Coastal Commission consistent with the guidelines established pursuant to subdivision (a) of Section 30985.2.

(2) A subregional San Francisco Bay shoreline resiliency plan that is subject to approval by the San Francisco Bay Conservation and Development Commission consistent with the guidelines established pursuant to subdivision (b) of Section 30985.2.

(b) The sea level rise plan required pursuant to subdivision (a) shall include, at a minimum, all of the following:

(1) The use of the best available science.

(2) A vulnerability assessment that includes efforts to ensure equity for at-risk communities.

(3) Sea level rise adaptation strategies and recommended projects.

(4) Identification of lead planning and implementation agencies.

(5) A timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, as applicable.

(c) A timeline for sea level rise plan updates, as required pursuant to paragraph (5) of subdivision (b), shall include economic impact analyses of, at a minimum, costs to critical public infrastructure and recommended approaches for implementing the sea level rise adaptation strategies and recommended projects pursuant to paragraph (3) of subdivision (b).

(d) All local governments subject to the requirements of subdivision (a) shall comply with this section by January 1, 2034.

(e) For purposes of this section, “critical public infrastructure” includes, but is not limited to, transit, roads, airports, ports, water storage, and conveyance, wastewater treatment facilities, landfills, powerplants, and railroads.

30985.2.

(a) On or before December 31, 2024, the California Coastal Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, shall establish guidelines for the preparation of the sea level rise plan required pursuant to subdivision (a) of Section 30985. The guidelines shall recognize and build upon the baseline policies as described in the “Sea Level Rise Working Group: 2021 Work Products” as published by the California Coastal Commission on December 3, 2021.

(b) On or before December 31, 2024, the San Francisco Bay Conservation and Development Commission, in close coordination with the California Coastal Commission, the Ocean Protection Council, and the California Sea Level Rise State and Regional Support Collaborative, shall establish guidelines for the preparation of the sea level rise plan required pursuant to subdivision (a) of Section 30985. The guidelines shall recognize and build upon the “guiding principles of the joint platform” as described on page 16 of the “Bay Adapt Regional Strategy for a Rising Bay Joint Platform” adopted by the San Francisco Bay Conservation and Development Commission on October 21, 2021.

30985.4.

This division does not reduce, alter, or diminish the authority of a state or local agency.

30985.5.

Local governments that receive approval by the California Coastal Commission or the San Francisco Bay Conservation and Development Commission, as applicable, pursuant to subdivision (a) of Section 30985 shall be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government’s approved sea level rise plan.

30985.6.

The operation of this division is contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute.

30985.8.

For purposes of this division, the following definitions apply:

(a) “California Sea Level Rise State and Regional Support Collaborative” means the California Sea Level Rise State and Regional Support Collaborative created pursuant to Section 30972.

(b) “Coastal zone” has the same meaning as defined in Section 30103.

(c) “Jurisdiction of the San Francisco Bay Conservation and Development Commission” means the area described in Section 66610 of the Government Code.

(d) “Local coastal program” has the same meaning as defined in Section 30108.6.

(e) “Local government” has the same meaning as defined in Section 30109.

SEC. 3.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

5. [SB 423 \(Wiener, Ch. 423, Stats. 2023\) Land use: streamlined housing approvals: multifamily housing developments](#)

This legislation expands the existing process for the by-right, ministerial approval of certain multifamily housing projects in local jurisdictions that are not on track to meet their Regional Housing Needs Allocation requirements, originally enacted by [SB 35](#) (Wiener, Ch. 366, Stats. 2017). Relevant to the Coastal Commission, the legislation repeals the language that previously excluded the coastal zone from the ministerial process, and replaces it with a narrower exclusion applying to the following parts of the coastal zone:

- Parcels not zoned for multifamily housing
- Parcels between the first public road and the sea
- Parcels with prime coastal agricultural soils
- Within 300 feet from a bluff edge
- Within 100 feet of a 1-parameter wetland
- Areas lacking a certified Local Coastal Program (LCP), except for those with a certified Land Use Plan (LUP)
- Areas that would be vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government’s coastal hazards vulnerability assessment

In non-excluded areas of the coastal zone, regulatory review of qualifying projects is limited to the objective standards of the certified LCP or certified LUP. The streamlining process takes effect in the coastal zone beginning January 1, 2025. The legislation also extends the sunset for the ministerial approval process by 10 years, until January 1, 2036.

Implementation: The streamlining process codified in this legislation will take effect in the coastal zone beginning January 1, 2025. Once in effect, if a project is located within a non-excluded area of the coastal zone and meets the siting, affordability, labor, and other qualifying requirements, the local government is required to approve a coastal

development permit (CDP) for the project ministerially if it finds that the project is consistent with all the objective policies of the certified LCP or LUP, as applicable.

The Coastal Commission will develop guidance for local governments in the coastal zone describing in greater detail how to implement the legislation and process CDPs for qualifying projects. Local governments in the coastal zone are encouraged to begin preparing for the application of this legislation by identifying which parts of their jurisdictions are excluded from streamlining under the statute (see Gov. Code Section 65913.4(a)(6)), and by developing amendments to their LCP or LUP that provide objective standards for SB 423 projects.

Relevant statutory language:

...

SEC. 2. Section 65913.4 of the Government Code is amended to read:

65913.4.

(a) Except as provided in subdivision (r), a development proponent may submit an application for a development that is subject to the streamlined, ministerial approval process provided by subdivision (c) and is not subject to a conditional use permit or any other nonlegislative discretionary approval if the development complies with subdivision (b) and satisfies all of the following objective planning standards:

(1) The development is a multifamily housing development that contains two or more residential units.

(2) The development and the site on which it is located satisfy all of the following:

(A) It is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For the purposes of this section, parcels that are only separated by a street or highway shall be considered to be adjoined.

(C) (i) A site that meets the requirements of clause (ii) and satisfies any of the following:

(I) The site is zoned for residential use or residential mixed-use development.

(II) The site has a general plan designation that allows residential use or a mix of residential and nonresidential uses.

(III) The site meets the requirements of Section 65852.24.

(ii) At least two-thirds of the square footage of the development is designated for residential use. Additional density, floor area, and units, and any other

concession, incentive, or waiver of development standards granted pursuant to the Density Bonus Law in Section 65915 shall be included in the square footage calculation. The square footage of the development shall not include underground space, such as basements or underground parking garages.

(3) (A) The development proponent has committed to record, prior to the issuance of the first building permit, a land use restriction or covenant providing that any lower or moderate income housing units required pursuant to subparagraph (B) of paragraph (4) shall remain available at affordable housing costs or rent to persons and families of lower or moderate income for no less than the following periods of time:

(i) Fifty-five years for units that are rented.

(ii) Forty-five years for units that are owned.

(B) The city or county shall require the recording of covenants or restrictions implementing this paragraph for each parcel or unit of real property included in the development.

(4) The development satisfies clause (i) or (ii) of subparagraph (A) and satisfies subparagraph (B) below:

(A) (i) For a development located in a locality that is in its sixth or earlier housing element cycle, the development is located in either of the following:

(I) In a locality that the department has determined is subject to this clause on the basis that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subclause until the department's determination for the next reporting period.

(II) In a locality that the department has determined is subject to this clause on the basis that the locality did not adopt a housing element that has been found in substantial compliance with housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department. A locality shall remain eligible under this subclause until such time as the locality adopts a housing element that has been found in substantial compliance with housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department.

(ii) For a development located in a locality that is in its seventh or later housing element cycle, is located in a locality that the department has determined is subject to this clause on the basis that the locality did not adopt a housing element that has been found in substantial compliance with housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department by the statutory deadline, or that the number of units that have been issued building permits, as shown on the most recent production report received by the department, is less than the locality's share of the regional housing needs, by income category, for that reporting period.

A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period.

(B) The development is subject to a requirement mandating a minimum percentage of below market rate housing based on one of the following:

(i) The locality did not adopt a housing element pursuant to Section 65588 that has been found in substantial compliance with the housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3) by the department, did not submit its latest production report to the department by the time period required by Section 65400, or that production report submitted to the department reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. In addition, if the project contains more than 10 units of housing, the project does one of the following:

(I) For for-rent projects, the project dedicates a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 50 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 50 percent of the area median income, that local ordinance applies.

(II) For for-sale projects, the project dedicates a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 10 percent of the units be dedicated to housing affordable to households making below 80 percent of the area median income, that local ordinance applies.

(III) (ia) If the project is located within the San Francisco Bay area, the project, in lieu of complying with subclause (I) or (II), may opt to abide by this subclause. Projects utilizing this subclause shall dedicate 20 percent of the total number of units, before calculating any density bonus, to housing affordable to households making below 100 percent of the area median income with the average income of the units at or below 80 percent of the area median income. However, a local ordinance adopted by the locality applies if it requires greater than 20 percent of the units be dedicated to housing affordable to households making at or below 100 percent of the area median income, or requires that any of the units be dedicated at a level deeper than 100 percent. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 100 percent of the area median income shall not exceed 30 percent of the gross income of the household.

(ib) For purposes of this subclause, “San Francisco Bay area” means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

(ii) The locality’s latest production report reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, and the project seeking approval dedicates 50 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income. However, if the locality has adopted a local ordinance that requires that greater than 50 percent of the units be dedicated to housing affordable to households making at or below 80 percent of the area median income, that local ordinance applies.

(iii) The locality did not submit its latest production report to the department by the time period required by Section 65400, or if the production report reflects that there were fewer units of housing affordable to both income levels described in clauses (i) and (ii) that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval may choose between utilizing clause (i) or (ii).

(C) (i) A development proponent that uses a unit of affordable housing to satisfy the requirements of subparagraph (B) may also satisfy any other local or state requirement for affordable housing, including local ordinances or the Density Bonus Law in Section 65915, provided that the development proponent complies with the applicable requirements in the state or local law. If a local requirement for affordable housing requires units that are restricted to households with incomes higher than the applicable income limits required in subparagraph (B), then units that meet the applicable income limits required in subparagraph (B) shall be deemed to satisfy those local requirements for higher income units.

(ii) A development proponent that uses a unit of affordable housing to satisfy any other state or local affordability requirement may also satisfy the requirements of subparagraph (B), provided that the development proponent complies with applicable requirements of subparagraph (B).

(iii) A development proponent may satisfy the affordability requirements of subparagraph (B) with a unit that is restricted to households with incomes lower than the applicable income limits required in subparagraph (B).

(D) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

(5) The development, excluding any additional density or any other concessions, incentives, or waivers of development standards for which the development is eligible pursuant to the Density Bonus Law in Section 65915, is consistent with objective zoning standards, objective subdivision standards, and objective design

review standards in effect at the time that the development is submitted to the local government pursuant to this section, or at the time a notice of intent is submitted pursuant to subdivision (b), whichever occurs earlier. For purposes of this paragraph, “objective zoning standards,” “objective subdivision standards,” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal. These standards may be embodied in alternative objective land use specifications adopted by a city or county, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the following:

(A) A development shall be deemed consistent with the objective zoning standards related to housing density, as applicable, if the density proposed is compliant with the maximum density allowed within that land use designation, notwithstanding any specified maximum unit allocation that may result in fewer units of housing being permitted.

(B) In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards set forth in the general plan.

(C) It is the intent of the Legislature that the objective zoning standards, objective subdivision standards, and objective design review standards described in this paragraph be adopted or amended in compliance with the requirements of Chapter 905 of the Statutes of 2004.

(D) The amendments to this subdivision made by the act adding this subparagraph do not constitute a change in, but are declaratory of, existing law.

(E) A project that satisfies the requirements of Section 65852.24 shall be deemed consistent with objective zoning standards, objective design standards, and objective subdivision standards if the project is consistent with the provisions of subdivision (b) of Section 65852.24 and if none of the square footage in the project is designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel. For purposes of this subdivision, “residential hotel” shall have the same meaning as defined in Section 50519 of the Health and Safety Code.

(6) The development is not located on a site that is any of the following:

(A) (i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.

(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.

(iii) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the

University of California, or a local government's coastal hazards vulnerability assessment.

(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.

(v) In a parcel in the coastal zone and located on either of the following:

(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.

(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.

(B) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(D) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:

(i) Section 4291 of the Public Resources Code or Section 51182, as applicable.

(ii) Section 4290 of the Public Resources Code.

(iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).

(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:

(i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

(ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

(F) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(G) Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(H) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game

Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(K) Lands under conservation easement.

(7) The development is not located on a site where any of the following apply:

(A) The development would require the demolition of the following types of housing:

(i) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(ii) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

(iii) Housing that has been occupied by tenants within the past 10 years.

(B) The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.

(C) The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

(D) The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property.

(8) Except as provided in paragraph (9), a proponent of a development project approved by a local government pursuant to this section shall require in contracts with construction contractors, and shall certify to the local government, that the following standards specified in this paragraph will be met in project construction, as applicable:

(A) A development that is not in its entirety a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code and approved by a local government pursuant to Article 2 (commencing with Section 65912.110) or Article 3 (commencing with Section 65912.120) shall be subject to all of the following:

(i) All construction workers employed in the execution of the development shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial

Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(ii) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work for those portions of the development that are not a public work.

(iii) All contractors and subcontractors for those portions of the development that are not a public work shall comply with both of the following:

(I) Pay to all construction workers employed in the execution of the work at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(II) Maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section. This subclause does not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. For purposes of this subclause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(B) (i) The obligation of the contractors and subcontractors to pay prevailing wages pursuant to this paragraph may be enforced by any of the following:

(I) The Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development.

(II) An underpaid worker through an administrative complaint or civil action.

(III) A joint labor-management committee through a civil action under Section 1771.2 of the Labor Code.

(ii) If a civil wage and penalty assessment is issued pursuant to this paragraph, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

(iii) This paragraph does not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement

of that obligation through an arbitration procedure. For purposes of this clause, "project labor agreement" has the same meaning as set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract Code.

(C) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the requirement that employer payments not reduce the obligation to pay the hourly straight time or overtime wages found to be prevailing does not apply to those portions of development that are not a public work if otherwise provided in a bona fide collective bargaining agreement covering the worker.

(D) The requirement of this paragraph to pay at least the general prevailing rate of per diem wages does not preclude use of an alternative workweek schedule adopted pursuant to Section 511 or 514 of the Labor Code.

(E) A development of 50 or more housing units approved by a local government pursuant to this section shall meet all of the following labor standards:

(i) The development proponent shall require in contracts with construction contractors and shall certify to the local government that each contractor of any tier who will employ construction craft employees or will let subcontracts for at least 1,000 hours shall satisfy the requirements in clauses (ii) and (iii). A construction contractor is deemed in compliance with clauses (ii) and (iii) if it is signatory to a valid collective bargaining agreement that requires utilization of registered apprentices and expenditures on health care for employees and dependents.

(ii) A contractor with construction craft employees shall either participate in an apprenticeship program approved by the California Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code, or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions set forth in Section 1777.5 of the Labor Code. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this clause.

(iii) Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two adults 40 years of age and two dependents 0 to 14 years of age for the Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this clause. Qualifying expenditures shall be credited toward compliance with prevailing wage payment requirements set forth in this paragraph.

(iv) (l) The development proponent shall provide to the local government, on a monthly basis while its construction contracts on the development are being performed, a report demonstrating compliance with clauses (ii) and (iii). The reports shall be considered public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection.

(II) A development proponent that fails to provide the monthly report shall be subject to a civil penalty for each month for which the report has not been provided, in the amount of 10 percent of the dollar value of construction work performed by that contractor on the development in the month in question, up to a maximum of ten thousand dollars (\$10,000). Any contractor or subcontractor that fails to comply with clauses (ii) and (iii) shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of clauses (ii) and (iii).

(III) Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the procedures for issuance of civil wage and penalty assessments specified in Section 1741 of the Labor Code, and may be reviewed pursuant to Section 1742 of the Labor Code. Penalties shall be deposited in the State Public Works Enforcement Fund established pursuant to Section 1771.3 of the Labor Code.

(v) Each construction contractor shall maintain and verify payroll records pursuant to Section 1776 of the Labor Code. Each construction contractor shall submit payroll records directly to the Labor Commissioner at least monthly in a format prescribed by the Labor Commissioner in accordance with subparagraph (A) of paragraph (3) of subdivision (a) of Section 1771.4 of the Labor Code. The records shall include a statement of fringe benefits. Upon request by a joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided pursuant to subdivision (e) of Section 1776 of the Labor Code.

(vi) All construction contractors shall report any change in apprenticeship program participation or health care expenditures to the local government within 10 business days, and shall reflect those changes on the monthly report. The reports shall be considered public records pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1) and shall be open to public inspection.

(vii) A joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a construction contractor for failure to make health care expenditures pursuant to clause (iii) in accordance with Section 218.7 or 218.8 of the Labor Code.

(F) For any project over 85 feet in height above grade, the following skilled and trained workforce provisions apply:

(i) Except as provided in clause (ii), the developer shall enter into construction contracts with prime contractors only if all of the following are satisfied:

(I) The contract contains an enforceable commitment that the prime contractor and subcontractors at every tier will use a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code, to

perform work on the project that falls within an apprenticeable occupation in the building and construction trades. However, this enforceable commitment requirement shall not apply to any scopes of work where new bids are accepted pursuant to subclause (I) of clause (ii).

(II) The developer or prime contractor shall establish minimum bidding requirements for subcontractors that are objective to the maximum extent possible. The developer or prime contractor shall not impose any obstacles in the bid process for subcontractors that go beyond what is reasonable and commercially customary. The developer or prime contractor must accept bids submitted by any bidder that meets the minimum criteria set forth in the bid solicitation.

(III) The prime contractor has provided an affidavit under penalty of perjury that, in compliance with this subparagraph, it will use a skilled and trained workforce and will obtain from its subcontractors an enforceable commitment to use a skilled and trained workforce for each scope of work in which it receives at least three bids attesting to satisfaction of the skilled and trained workforce requirements.

(IV) When a prime contractor or subcontractor is required to provide an enforceable commitment that a skilled and trained workforce will be used to complete a contract or project, the commitment shall be made in an enforceable agreement with the developer that provides the following:

(ia) The prime contractor and subcontractors at every tier will comply with this chapter.

(ib) The prime contractor will provide the developer, on a monthly basis while the project or contract is being performed, a report demonstrating compliance by the prime contractor.

(ic) The prime contractor shall provide the developer, on a monthly basis while the project or contract is being performed, the monthly reports demonstrating compliance submitted to the prime contractor by the affected subcontractors.

(ii) (I) If a prime contractor fails to receive at least three bids in a scope of construction work from subcontractors that attest to satisfying the skilled and trained workforce requirements as described in this subparagraph, the prime contractor may accept new bids for that scope of work. The prime contractor need not require that a skilled and trained workforce be used by the subcontractors for that scope of work.

(II) The requirements of this subparagraph shall not apply if all contractors, subcontractors, and craft unions performing work on the development are subject to a multicraft project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure. The multicraft project labor agreement shall include all construction crafts with applicable coverage

determinations for the specified scopes of work on the project pursuant to Section 1773 of the Labor Code and shall be executed by all applicable labor organizations regardless of affiliation. For purposes of this clause, "project labor agreement" means a prehire collective bargaining agreement that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in Section 158(f) of Title 29 of the United States Code.

(III) Requirements set forth in this subparagraph shall not apply to projects where 100 percent of the units, exclusive of a manager's unit or units, are dedicated to lower income households, as defined by Section 50079.5 of the Health and Safety Code.

(iii) If the skilled and trained workforce requirements of this subparagraph apply, the prime contractor shall require subcontractors to provide, and subcontractors on the project shall provide, the following to the prime contractor:

(I) An affidavit signed under penalty of perjury that a skilled and trained workforce shall be employed on the project.

(II) Reports on a monthly basis, while the project or contract is being performed, demonstrating compliance with this chapter.

(iv) Upon issuing any invitation or bid solicitation for the project, but no less than seven days before the bid is due, the developer shall send a notice of the invitation or solicitation that describes the project to the following entities within the jurisdiction of the proposed project site:

(I) Any bona fide labor organization representing workers in the building and construction trades who may perform work necessary to complete the project and the local building and construction trades council.

(II) Any organization representing contractors that may perform work necessary to complete the project, including any contractors' association or regional builders' exchange.

(v) The developer or prime contractor shall, within three business days of a request by a joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), provide all of the following:

(I) The names and Contractors State License Board numbers of the prime contractor and any subcontractors that submitted a proposal or bid for the development project.

(II) The names and Contractors State License Board numbers of contractors and subcontractors that are under contract to perform construction work.

(vi) (I) For all projects subject to this subparagraph, the development proponent shall provide to the locality, on a monthly basis while the project or contract is being performed, a report demonstrating that the self-performing

prime contractor and all subcontractors used a skilled and trained workforce, as defined in Section 2601 of the Public Contract Code, unless otherwise exempt under this subparagraph. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act Division 10 (commencing with Section 7920.000) of Title 1 and shall be open to public inspection. A developer that fails to provide a complete monthly report shall be subject to a civil penalty of 10 percent of the dollar value of construction work performed by that contractor on the project in the month in question, up to a maximum of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided.

(II) Any subcontractors or prime contractor self-performing work subject to the skilled and trained workforce requirements under this subparagraph that fail to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the project using the same issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Prime contractors shall not be jointly liable for violations of this subparagraph by subcontractors. Penalties shall be paid to the State Public Works Enforcement Fund or the locality or its labor standards enforcement agency, depending on the lead entity performing the enforcement work.

(III) Any provision of a contract or agreement of any kind between a developer and a prime contractor that purports to delegate, transfer, or assign to a prime contractor any obligations of or penalties incurred by a developer shall be deemed contrary to public policy and shall be void and unenforceable.

(G) A locality, and any labor standards enforcement agency the locality lawfully maintains, shall have standing to take administrative action or sue a construction contractor for failure to comply with this paragraph. A prevailing locality or labor standards enforcement agency shall distribute any wages and penalties to workers in accordance with law and retain any fees, additional penalties, or assessments.

(9) Notwithstanding paragraph (8), a development that is subject to approval pursuant to this section is exempt from any requirement to pay prevailing wages, use a workforce participating in an apprenticeship, or provide health care expenditures if it satisfies both of the following:

(A) The project consists of 10 or fewer units.

(B) The project is not a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(10) The development shall not be upon an existing parcel of land or site that is governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(b) (1) (A) (i) Before submitting an application for a development subject to the streamlined, ministerial approval process described in subdivision (c), the development proponent shall submit to the local government a notice of its intent to submit an application. The notice of intent shall be in the form of a preliminary application that includes all of the information described in Section 65941.1, as that section read on January 1, 2020.

(ii) Upon receipt of a notice of intent to submit an application described in clause (i), the local government shall engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area, as described in Section 21080.3.1 of the Public Resources Code, of the proposed development. In order to expedite compliance with this subdivision, the local government shall contact the Native American Heritage Commission for assistance in identifying any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development.

(iii) The timeline for noticing and commencing a scoping consultation in accordance with this subdivision shall be as follows:

(I) The local government shall provide a formal notice of a development proponent's notice of intent to submit an application described in clause (i) to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed development within 30 days of receiving that notice of intent. The formal notice provided pursuant to this subclause shall include all of the following:

(ia) A description of the proposed development.

(ib) The location of the proposed development.

(ic) An invitation to engage in a scoping consultation in accordance with this subdivision.

(II) Each California Native American tribe that receives a formal notice pursuant to this clause shall have 30 days from the receipt of that notice to accept the invitation to engage in a scoping consultation.

(III) If the local government receives a response accepting an invitation to engage in a scoping consultation pursuant to this subdivision, the local government shall commence the scoping consultation within 30 days of receiving that response.

(B) The scoping consultation shall recognize that California Native American tribes traditionally and culturally affiliated with a geographic area have knowledge and expertise concerning the resources at issue and shall take into account the cultural significance of the resource to the culturally affiliated California Native American tribe.

(C) The parties to a scoping consultation conducted pursuant to this subdivision shall be the local government and any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development. More than one California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development may participate in the scoping consultation. However, the local government, upon the request of any California Native American tribe traditionally and culturally affiliated with the geographic area of the proposed development, shall engage in a separate scoping consultation with that California Native American tribe. The development proponent and its consultants may participate in a scoping consultation process conducted pursuant to this subdivision if all of the following conditions are met:

(i) The development proponent and its consultants agree to respect the principles set forth in this subdivision.

(ii) The development proponent and its consultants engage in the scoping consultation in good faith.

(iii) The California Native American tribe participating in the scoping consultation approves the participation of the development proponent and its consultants. The California Native American tribe may rescind its approval at any time during the scoping consultation, either for the duration of the scoping consultation or with respect to any particular meeting or discussion held as part of the scoping consultation.

(D) The participants to a scoping consultation pursuant to this subdivision shall comply with all of the following confidentiality requirements:

(i) Section 7927.000.

(ii) Section 7927.005.

(iii) Subdivision (c) of Section 21082.3 of the Public Resources Code.

(iv) Subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations.

(v) Any additional confidentiality standards adopted by the California Native American tribe participating in the scoping consultation.

(E) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) shall not apply to a scoping consultation conducted pursuant to this subdivision.

(2) (A) If, after concluding the scoping consultation, the parties find that no potential tribal cultural resource would be affected by the proposed development, the

development proponent may submit an application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c).

(B) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment, the development proponent may submit the application for a development subject to the streamlined, ministerial approval process described in subdivision (c). The local government shall ensure that the enforceable agreement is included in the requirements and conditions for the proposed development.

(C) If, after concluding the scoping consultation, the parties find that a potential tribal cultural resource could be affected by the proposed development and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment, the development shall not be eligible for the streamlined, ministerial approval process described in subdivision (c).

(D) For purposes of this paragraph, a scoping consultation shall be deemed to be concluded if either of the following occur:

(i) The parties to the scoping consultation document an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present.

(ii) One or more parties to the scoping consultation, acting in good faith and after reasonable effort, conclude that a mutual agreement on methods, measures, and conditions to avoid or address impacts to tribal cultural resources that are or may be present cannot be reached.

(E) If the development or environmental setting substantially changes after the completion of the scoping consultation, the local government shall notify the California Native American tribe of the changes and engage in a subsequent scoping consultation if requested by the California Native American tribe.

(3) A local government may only accept an application for streamlined, ministerial approval pursuant to this section if one of the following applies:

(A) A California Native American tribe that received a formal notice of the development proponent's notice of intent to submit an application pursuant to subclause (I) of clause (iii) of subparagraph (A) of paragraph (1) did not accept the invitation to engage in a scoping consultation.

(B) The California Native American tribe accepted an invitation to engage in a scoping consultation pursuant to subclause (II) of clause (iii) of subparagraph (A) of paragraph (1) but substantially failed to engage in the scoping consultation

after repeated documented attempts by the local government to engage the California Native American tribe.

(C) The parties to a scoping consultation pursuant to this subdivision find that no potential tribal cultural resource will be affected by the proposed development pursuant to subparagraph (A) of paragraph (2).

(D) A scoping consultation between a California Native American tribe and the local government has occurred in accordance with this subdivision and resulted in agreement pursuant to subparagraph (B) of paragraph (2).

(4) A project shall not be eligible for the streamlined, ministerial process described in subdivision (c) if any of the following apply:

(A) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

(B) There is a potential tribal cultural resource that could be affected by the proposed development and the parties to a scoping consultation conducted pursuant to this subdivision do not document an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2).

(C) The parties to a scoping consultation conducted pursuant to this subdivision do not agree as to whether a potential tribal cultural resource will be affected by the proposed development.

(5) (A) If, after a scoping consultation conducted pursuant to this subdivision, a project is not eligible for the streamlined, ministerial process described in subdivision (c) for any or all of the following reasons, the local government shall provide written documentation of that fact, and an explanation of the reason for which the project is not eligible, to the development proponent and to any California Native American tribe that is a party to that scoping consultation:

(i) There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project, as described in subparagraph (A) of paragraph (4).

(ii) The parties to the scoping consultation have not documented an enforceable agreement on methods, measures, and conditions for tribal cultural resource treatment, as described in subparagraph (C) of paragraph (2) and subparagraph (B) of paragraph (4).

(iii) The parties to the scoping consultation do not agree as to whether a potential tribal cultural resource will be affected by the proposed development, as described in subparagraph (C) of paragraph (4).

(B) The written documentation provided to a development proponent pursuant to this paragraph shall include information on how the development proponent may seek a conditional use permit or other discretionary approval of the development from the local government.

(6) This section is not intended, and shall not be construed, to limit consultation and discussion between a local government and a California Native American tribe pursuant to other applicable law, confidentiality provisions under other applicable law, the protection of religious exercise to the fullest extent permitted under state and federal law, or the ability of a California Native American tribe to submit information to the local government or participate in any process of the local government.

(7) For purposes of this subdivision:

(A) "Consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between local governments and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural importance. A lead agency shall consult the tribal consultation best practices described in the "State of California Tribal Consultation Guidelines: Supplement to the General Plan Guidelines" prepared by the Office of Planning and Research.

(B) "Scoping" means the act of participating in early discussions or investigations between the local government and California Native American tribe, and the development proponent if authorized by the California Native American tribe, regarding the potential effects a proposed development could have on a potential tribal cultural resource, as defined in Section 21074 of the Public Resources Code, or California Native American tribe, as defined in Section 21073 of the Public Resources Code.

(8) This subdivision shall not apply to any project that has been approved under the streamlined, ministerial approval process provided under this section before the effective date of the act adding this subdivision.

(c) (1) Notwithstanding any local law, if a local government's planning director or equivalent position determines that a development submitted pursuant to this section is consistent with the objective planning standards specified in subdivision (a) and pursuant to paragraph (3) of this subdivision, the local government shall approve the development. Upon a determination that a development submitted pursuant to this section is in conflict with any of the objective planning standards specified in subdivision (a), the local government staff or relevant local planning and permitting department that made the determination shall provide the development proponent written documentation of which standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards, as follows:

(A) Within 60 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the local government's planning director or equivalent position fails to provide the required documentation pursuant to paragraph (1), the development shall be deemed to satisfy the objective planning standards specified in subdivision (a).

(3) For purposes of this section, a development is consistent with the objective planning standards specified in subdivision (a) if there is substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards. The local government shall not determine that a development, including an application for a modification under subdivision (h), is in conflict with the objective planning standards on the basis that application materials are not included, if the application contains substantial evidence that would allow a reasonable person to conclude that the development is consistent with the objective planning standards.

(4) Upon submittal of an application for streamlined, ministerial approval pursuant to this section to the local government, all departments of the local government that are required to issue an approval of the development prior to the granting of an entitlement shall comply with the requirements of this section within the time periods specified in paragraph (1).

(d) (1) Any design review of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for design review. That design review shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review shall be completed, and if the development is consistent with all objective standards, the local government shall approve the development as follows and shall not in any way inhibit, chill, or preclude the ministerial approval provided by this section or its effect, as applicable:

(A) Within 90 days of submittal of the development to the local government pursuant to this section if the development contains 150 or fewer housing units.

(B) Within 180 days of submittal of the development to the local government pursuant to this section if the development contains more than 150 housing units.

(2) If the development is consistent with the requirements of subparagraph (A) or (B) of paragraph (9) of subdivision (a) and is consistent with all objective subdivision standards in the local subdivision ordinance, an application for a subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with Section 66410)) shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and shall be subject to the public oversight timelines set forth in paragraph (1).

(3) If a local government determines that a development submitted pursuant to this section is in conflict with any of the standards imposed pursuant to paragraph (1), it shall provide the development proponent written documentation of which objective standard or standards the development conflicts with, and an explanation for the

reason or reasons the development conflicts with that objective standard or standards consistent with the timelines described in paragraph (1) of subdivision (c).

(e) (1) Notwithstanding any other law, a local government, whether or not it has adopted an ordinance governing automobile parking requirements in multifamily developments, shall not impose automobile parking standards for a streamlined development that was approved pursuant to this section in any of the following instances:

(A) The development is located within one-half mile of public transit.

(B) The development is located within an architecturally and historically significant historic district.

(C) When on-street parking permits are required but not offered to the occupants of the development.

(D) When there is a car share vehicle located within one block of the development.

(2) If the development does not fall within any of the categories described in paragraph (1), the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

(f) Notwithstanding any law, a local government shall not require any of the following prior to approving a development that meets the requirements of this section:

(1) Studies, information, or other materials that do not pertain directly to determining whether the development is consistent with the objective planning standards applicable to the development.

(2) (A) Compliance with any standards necessary to receive a postentitlement permit.

(B) This paragraph does not prohibit a local agency from requiring compliance with any standards necessary to receive a postentitlement permit after a permit has been issued pursuant to this section.

(C) For purposes of this paragraph, "postentitlement permit" has the same meaning as provided in subparagraph (A) of paragraph (3) of subdivision (j) of Section 65913.3.

(g) (1) If a local government approves a development pursuant to this section, then, notwithstanding any other law, that approval shall not expire if the project satisfies both of the following requirements:

(A) The project includes public investment in housing affordability, beyond tax credits.

(B) At least 50 percent of the units are affordable to households making at or below 80 percent of the area median income.

(2) (A) If a local government approves a development pursuant to this section, and the project does not satisfy the requirements of subparagraphs (A) and (B) of paragraph (1), that approval shall remain valid for three years from the date of the

final action establishing that approval, or if litigation is filed challenging that approval, from the date of the final judgment upholding that approval. Approval shall remain valid for a project provided construction activity, including demolition and grading activity, on the development site has begun pursuant to a permit issued by the local jurisdiction and is in progress. For purposes of this subdivision, “in progress” means one of the following:

(i) The construction has begun and has not ceased for more than 180 days.

(ii) If the development requires multiple building permits, an initial phase has been completed, and the project proponent has applied for and is diligently pursuing a building permit for a subsequent phase, provided that once it has been issued, the building permit for the subsequent phase does not lapse.

(B) Notwithstanding subparagraph (A), a local government may grant a project a one-time, one-year extension if the project proponent can provide documentation that there has been significant progress toward getting the development construction ready, such as filing a building permit application.

(3) If the development proponent requests a modification pursuant to subdivision (h), then the time during which the approval shall remain valid shall be extended for the number of days between the submittal of a modification request and the date of its final approval, plus an additional 180 days to allow time to obtain a building permit. If litigation is filed relating to the modification request, the time shall be further extended during the pendency of the litigation. The extension required by this paragraph shall only apply to the first request for a modification submitted by the development proponent.

(4) The amendments made to this subdivision by the act that added this paragraph shall also be retroactively applied to developments approved prior to January 1, 2022.

(h) (1) (A) A development proponent may request a modification to a development that has been approved under the streamlined, ministerial approval process provided in subdivision (c) if that request is submitted to the local government before the issuance of the final building permit required for construction of the development.

(B) Except as provided in paragraph (3), the local government shall approve a modification if it determines that the modification is consistent with the objective planning standards specified in subdivision (a) that were in effect when the original development application was first submitted.

(C) The local government shall evaluate any modifications requested pursuant to this subdivision for consistency with the objective planning standards using the same assumptions and analytical methodology that the local government originally used to assess consistency for the development that was approved for streamlined, ministerial approval pursuant to subdivision (c).

(D) A guideline that was adopted or amended by the department pursuant to subdivision (n) after a development was approved through the streamlined, ministerial approval process described in subdivision (c) shall not be used as a basis to deny proposed modifications.

(2) Upon receipt of the development proponent's application requesting a modification, the local government shall determine if the requested modification is consistent with the objective planning standard and either approve or deny the modification request within 60 days after submission of the modification, or within 90 days if design review is required.

(3) Notwithstanding paragraph (1), the local government may apply objective planning standards adopted after the development application was first submitted to the requested modification in any of the following instances:

(A) The development is revised such that the total number of residential units or total square footage of construction changes by 15 percent or more. The calculation of the square footage of construction changes shall not include underground space.

(B) The development is revised such that the total number of residential units or total square footage of construction changes by 5 percent or more and it is necessary to subject the development to an objective standard beyond those in effect when the development application was submitted in order to mitigate or avoid a specific, adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of subdivision (j) of Section 65589.5, upon the public health or safety and there is no feasible alternative method to satisfactorily mitigate or avoid the adverse impact. The calculation of the square footage of construction changes shall not include underground space.

(C) (i) Objective building standards contained in the California Building Standards Code (Title 24 of the California Code of Regulations), including, but not limited to, building plumbing, electrical, fire, and grading codes, may be applied to all modification applications that are submitted prior to the first building permit application. Those standards may be applied to modification applications submitted after the first building permit application if agreed to by the development proponent.

(ii) The amendments made to clause (i) by the act that added clause (i) shall also be retroactively applied to modification applications submitted prior to January 1, 2022.

(4) The local government's review of a modification request pursuant to this subdivision shall be strictly limited to determining whether the modification, including any modification to previously approved density bonus concessions or waivers, modify the development's consistency with the objective planning standards and shall not reconsider prior determinations that are not affected by the modification.

(i) (1) A local government shall not adopt or impose any requirement, including, but not limited to, increased fees or inclusionary housing requirements, that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(2) (A) A local government shall issue a subsequent permit required for a development approved under this section if the application substantially complies with the development as it was approved pursuant to subdivision (c). Upon receipt of

an application for a subsequent permit, the local government shall process the permit without unreasonable delay and shall not impose any procedure or requirement that is not imposed on projects that are not approved pursuant to this section. The local government shall consider the application for subsequent permits based upon the objective standards specified in any state or local laws that were in effect when the original development application was submitted, unless the development proponent agrees to a change in objective standards. Issuance of subsequent permits shall implement the approved development, and review of the permit application shall not inhibit, chill, or preclude the development. For purposes of this paragraph, a “subsequent permit” means a permit required subsequent to receiving approval under subdivision (c), and includes, but is not limited to, demolition, grading, encroachment, and building permits and final maps, if necessary.

(B) The amendments made to subparagraph (A) by the act that added this subparagraph shall also be retroactively applied to subsequent permit applications submitted prior to January 1, 2022.

(3) (A) If a public improvement is necessary to implement a development that is subject to the streamlined, ministerial approval pursuant to this section, including, but not limited to, a bicycle lane, sidewalk or walkway, public transit stop, driveway, street paving or overlay, a curb or gutter, a modified intersection, a street sign or street light, landscape or hardscape, an above-ground or underground utility connection, a water line, fire hydrant, storm or sanitary sewer connection, retaining wall, and any related work, and that public improvement is located on land owned by the local government, to the extent that the public improvement requires approval from the local government, the local government shall not exercise its discretion over any approval relating to the public improvement in a manner that would inhibit, chill, or preclude the development.

(B) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall do all of the following:

(i) Consider the application based upon any objective standards specified in any state or local laws that were in effect when the original development application was submitted.

(ii) Conduct its review and approval in the same manner as it would evaluate the public improvement if required by a project that is not eligible to receive ministerial or streamlined approval pursuant to this section.

(C) If an application for a public improvement described in subparagraph (A) is submitted to a local government, the local government shall not do either of the following:

(i) Adopt or impose any requirement that applies to a project solely or partially on the basis that the project is eligible to receive ministerial or streamlined approval pursuant to this section.

(ii) Unreasonably delay in its consideration, review, or approval of the application.

(j) (1) This section shall not affect a development proponent's ability to use any alternative streamlined by right permit processing adopted by a local government, including the provisions of subdivision (i) of Section 65583.2.

(2) This section shall not prevent a development from also qualifying as a housing development project entitled to the protections of Section 65589.5. This paragraph does not constitute a change in, but is declaratory of, existing law.

(k) The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to actions taken by a state agency, local government, or the San Francisco Bay Area Rapid Transit District to:

(1) Lease, convey, or encumber land owned by the local government or the San Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or encumbrance of land owned by the local government, or for the lease of land owned by the San Francisco Bay Area Rapid Transit District in association with an eligible TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code, nor to any decisions associated with that lease, or to provide financial assistance to a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(2) Approve improvements located on land owned by the local government or the San Francisco Bay Area Rapid Transit District that are necessary to implement a development that receives streamlined approval pursuant to this section that is to be used for housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code.

(l) For purposes of establishing the total number of units in a development under this chapter, a development or development project includes both of the following:

(1) All projects developed on a site, regardless of when those developments occur.

(2) All projects developed on sites adjacent to a site developed pursuant to this chapter if, after January 1, 2023, the adjacent site had been subdivided from the site developed pursuant to this chapter.

(m) For purposes of this section, the following terms have the following meanings:

(1) "Affordable housing cost" has the same meaning as set forth in Section 50052.5 of the Health and Safety Code.

(2) (A) Subject to the qualification provided by subparagraphs (B) and (C), "affordable rent" has the same meaning as set forth in Section 50053 of the Health and Safety Code.

(B) For a development for which an application pursuant to this section was submitted prior to January 1, 2019, that includes 500 units or more of housing, and that dedicates 50 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at, or below, 80

percent of the area median income, affordable rent for at least 30 percent of these units shall be set at an affordable rent as defined in subparagraph (A) and “affordable rent” for the remainder of these units shall mean a rent that is consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee.

(C) For a development that dedicates 100 percent of units, exclusive of a manager’s unit or units, to lower income households, “affordable rent” shall mean a rent that is consistent with the maximum rent levels stipulated by the public program providing financing for the development.

(3) “Department” means the Department of Housing and Community Development.

(4) “Development proponent” means the developer who submits a housing development project application to a local government under the streamlined ministerial review process pursuant to this section.

(5) “Completed entitlements” means a housing development that has received all the required land use approvals or entitlements necessary for the issuance of a building permit.

(6) “Health care expenditures” include contributions under Section 401(a), 501(c), or 501(d) of the Internal Revenue Code and payments toward “medical care,” as defined in Section 213(d)(1) of the Internal Revenue Code.

(7) “Housing development project” has the same meaning as in Section 65589.5.

(8) “Locality” or “local government” means a city, including a charter city, a county, including a charter county, or a city and county, including a charter city and county.

(9) “Moderate-income housing units” means housing units with an affordable housing cost or affordable rent for persons and families of moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(10) “Production report” means the information reported pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(11) “State agency” includes every state office, officer, department, division, bureau, board, and commission, but does not include the California State University or the University of California.

(12) (A) “Reporting period” means either of the following:

(i) The first half of the regional housing needs assessment cycle.

(ii) The last half of the regional housing needs assessment cycle.

(B) Notwithstanding subparagraph (A), “reporting period” means annually for the City and County of San Francisco.

(13) “Urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

(n) The department may review, adopt, amend, and repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, or standards set forth in this section. Any guidelines or terms adopted pursuant to this subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(o) The determination of whether an application for a development is subject to the streamlined ministerial approval process provided by subdivision (c) is not a “project” as defined in Section 21065 of the Public Resources Code.

(p) Notwithstanding any law, for purposes of this section and for development in compliance with the requirements of this section on property owned by or leased to the state, the Department of General Services may act in the place of a locality or local government, at the discretion of the department.

(q) (1) For developments proposed in a census tract that is designated either as a moderate resource area, low resource area, or an area of high segregation and poverty on the most recent “CTCAC/HCD Opportunity Map” published by the California Tax Credit Allocation Committee and the Department of Housing and Community Development, within 45 days after receiving a notice of intent, as described in subdivision (b), and before the development proponent submits an application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c), the local government shall provide for a public meeting to be held by the city council or county board of supervisors to provide an opportunity for the public and the local government to comment on the development.

(2) The public meeting shall be held at a regular meeting and be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(3) If the development proposal is located within a city with a population of greater than 250,000 or the unincorporated area of a county with a population of greater than 250,000, the public meeting shall be held by the jurisdiction’s planning commission.

(4) Comments may be provided by testimony during the meeting or in writing at any time before the meeting concludes.

(5) The development proponent shall attest in writing that it attended the meeting described in paragraph (1) and reviewed the public testimony and written comments from the meeting in its application for the proposed development that is subject to the streamlined, ministerial approval process described in subdivision (c).

(6) If the local government fails to hold the hearing described in paragraph (1) within 45 days after receiving the notice of intent, the development proponent shall hold a public meeting on the proposed development before submitting an application pursuant to this section.

(r) (1) This section shall not apply to applications for developments proposed on qualified sites that are submitted on or after January 1, 2024, but before July 1, 2025.

(2) For purposes of this subdivision, “qualified site” means a site that meets the following requirements:

(A) The site is located within an equine or equestrian district designated by a general plan or specific or master plan, which may include a specific narrative reference to a geographically determined area or map of the same. Parcels adjoined and only separated by a street or highway shall be considered to be within an equestrian district.

(B) As of January 1, 2024, the general plan applicable to the site contains, and has contained for five or more years, an equine or equestrian district designation where the site is located.

(C) As of January 1, 2024, the equine or equestrian district applicable to the site is not zoned to include residential uses, but authorizes residential uses with a conditional use permit.

(D) The applicable local government has an adopted housing element that is compliant with applicable law.

(3) The Legislature finds and declares that the purpose of this subdivision is to allow local governments to conduct general plan updates to align their general plan with applicable zoning changes.

(s) The provisions of clause (iii) of subparagraph (E) of paragraph (8) of subdivision (a) relating to health care expenditures are distinct and severable from the remaining provisions of this section. However, the remaining portions of paragraph (8) of subdivision (a) are a material and integral part of this section and are not severable. If any provision or application of paragraph (8) of subdivision (a) is held invalid, this entire section shall be null and void.

(t) (1) The changes made to this section by the act adding this subdivision shall apply in a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code, on and after January 1, 2025.

(2) In an area of the coastal zone not excluded under paragraph (6) of subdivision (a), a development that satisfies the requirements of subdivision (a) shall require a coastal development permit pursuant to Chapter 7 (commencing with Section 30600) of Division 20 of the Public Resources Code. A public agency with coastal development permitting authority shall approve a coastal development permit if it determines that the development is consistent with all objective standards of the local government’s certified local coastal program or, for areas that are not subject to a fully certified local coastal program, the certified land use plan of that area.

(3) For purposes of this section, receipt of any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under Section 65915 shall not constitute a basis to find the project inconsistent with the local coastal program.

(u) It is the policy of the state that this section be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, increased housing supply.

(v) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

...

6. **[SB 605 \(Padilla, Ch. 405, Stats. 2023\) Wave and tidal energy](#)**

This legislation requires the Energy Commission, in consultation with the Coastal Commission, Ocean Protection Council, Department of Fish and Wildlife, and State Lands Commission, to evaluate the feasibility, costs, and benefits of using wave energy and tidal energy as a form of clean energy generation; work with industry and stakeholders to identify suitable sea space for offshore wave energy and tidal energy projects in state and federal waters; and work with industry and stakeholders to identify measures to avoid, minimize, mitigate, and monitoring the environmental impacts of offshore wave energy and tidal energy facilities. The legislation requires the Energy Commission to submit a report summarizing the findings of these efforts to the Governor and the Legislature by January 1, 2025.

Implementation: Coastal Commission staff will coordinate with Energy Commission staff and other consulting agencies as appropriate to assist in the evaluation of costs and benefits, identification of sea space identification, and identification of avoidance, minimization, and mitigation measures; and in the compilation of these efforts into a report by January 1, 2025, as required by the legislation.

Statutory language:

SEC. 1. Chapter 18 (commencing with Section 25996) is added to Division 15 of the Public Resources Code, to read:

Chapter 18. Wave Energy and Tidal Energy

25996.

(a) As part of the 2024 energy policy review prepared pursuant to subdivision (c) of Section 25302, the commission, in consultation with other appropriate state agencies, including, but not limited to, the Ocean Protection Council, the Department of Fish and Wildlife, the State Lands Commission, and the California Coastal Commission, shall evaluate the feasibility, costs, and benefits of using wave energy and tidal energy as forms of clean energy in the state.

(b) For purposes of the evaluation identified in subdivision (a), the commission shall do all of the following:

(1) Evaluate factors that may contribute to the increased use of wave energy and tidal energy in the state.

(2) Provide findings on the latest research about the technological and economic feasibility of deploying offshore wave and tidal energy in the state.

(3) Evaluate wave energy and tidal energy project potential transmission needs and permitting requirements.

(4) Evaluate wave energy and tidal energy project economic and workforce development needs.

(5) Identify near-term actions, particularly related to investments and the workforce for wave energy and tidal energy projects, to maximize job creation and economic development, while considering affordable electric rates and bills.

(6) Identify a robust monitoring strategy designed to gather sufficient data to evaluate the impacts from wave energy and tidal energy projects to marine and tidal ecosystems and affected species, including, but not limited to, fish, marine mammals, and aquatic plants, to inform adaptive management of the projects.

(c) (1) The commission, in coordination and consultation with the California Coastal Commission, the Department of Fish and Wildlife, the Ocean Protection Council, and the State Lands Commission, shall work with other state and local agencies, the offshore wave energy and tidal energy industry, the commercial and recreational fishing communities, California Native American tribes, nongovernmental organizations, and other stakeholders to identify suitable sea space for offshore wave energy and tidal energy projects in state and federal waters.

(2) For purposes of identifying suitable sea space, the commission shall consider all of the following:

(A) Existing data and information on offshore wave energy and tidal energy resource potential and commercial viability.

(B) Existing transmission facilities and infrastructure, and necessary additional transmission facilities and infrastructure.

(C) Protection of cultural and biological resources with the goal of prioritizing ocean areas that pose the least conflict to those resources.

(3) For purposes of this subdivision, the commission shall incorporate the information developed by the federal Bureau of Ocean Energy Management's California Intergovernmental Renewable Energy Task Force, as applicable.

(4) The commission, in coordination and consultation with the California Coastal Commission, Department of Fish and Wildlife, Ocean Protection Council, State Lands Commission, other state and local agencies, the offshore wind energy industry, the commercial and recreational fishing communities, California Native American tribes, nongovernmental organizations, and other stakeholders, shall identify measures that would avoid, minimize, and mitigate significant adverse environmental and ecosystem impacts and use conflicts, and for monitoring and adaptive management for offshore wave energy and tidal energy projects, consistent with California's long-term goals relating to renewable energy, reduction of greenhouse gas emissions, and biodiversity.

(5) Nothing in this subdivision modifies the authority of any state agency over project-specific siting and permitting.

(6) The commission shall seek to coordinate and consult with federal agencies, as appropriate and applicable, in performing the work required by this subdivision.

25996.1.

(a) On or before January 1, 2025, the commission shall submit a written report to the Governor and the Legislature that includes both of the following:

(1) A summary and findings from the evaluation and work described in Section 25996.

(2) Considerations that may inform legislative and executive actions to facilitate, encourage, and promote the development and increased use of technologically and economically feasible wave energy and tidal energy technologies, infrastructure, and facilities in the state.

(b) (1) The report described in this section shall be submitted to the Legislature pursuant to Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section shall remain in effect only until January 1, 2029, and as of that date is repealed.